

Emaar India Ltd.
Vs.
Prashant Bajaj
Appeal No.499 of 2021

Present: Ms. Tanika Goyal, Advocate,
for the appellant.

Mr. Balwinder Singh Kalsi, Advocate,
for the respondent.

On the last date of hearing, the following order was
passed in this case:-

*“Admittedly, respondent-allottee has taken possession
after paying the amount as demanded by the promoter
at the time of offer of possession dated 07.06.2017.*

*A question, however, remains as regards the date
from which the Delay Possession Charges (DPC) are
payable by the promoter.*

Adjourned to 01.04.2024.”

Today, Ms. Goyal has contended that possession was
offered to the respondent-allottee way back on 07.06.2017 but he
did not come forward to take possession. During the pendency of
this appeal, however, he took possession by paying the balance
amount. As per her, date of taking over possession during the
pendency of this appeal cannot be taken into consideration.

This apart, respondent-allottee is entitled to Delay
Possession Charges (DPC) w.e.f 31.01.2012 to 07.06.2017 (plus
two months) i.e. date of offer of possession. She submits that the
respondent-allottee would be entitled to interest not from the due
date of possession but from the date of respective payments made
by him.

Learned counsel for the respondent, however, submits
that he needs some time as arguing counsel Mr. Aquib Ali is not
available today.

List on 03.07.2024.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

01.04.2024

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