

Poonam Verma vs Splendor Buildwell Private Limited
CM No.1040 of 2024
In Appeal No.549 of 2024

Present: Mr. Piyush Bansal, Advocate,
for the appellant.

Mr. Shourya Morya, Advocate
for the respondent.

CM No.1040 of 2024

This is an application seeking condonation of delay in filing of the appeal. Same is supported by an affidavit of Mr. Vivek Kumar Sinha, Authorized Representative of the appellant.

2. As per the report from the Registry, there is a delay of 328 days in filing the appeal.

3. Learned counsel for the appellant has, *inter alia*, contended that the impugned order was passed on 10.05.2023 by the Haryana Real Estate Regulatory Authority at Gurugram (hereinafter referred to as '*the Authority*'). Thereafter, the appellant filed a rectification application under Section 39 of the RERA Act to correct an error in the order dated 10.05.2023. As per counsel, the inadvertent error was recorded in order dated 10.05.2023. The application was ultimately dismissed on 03.07.2024. He submits that the delay of 328 days in filing the instant appeal is neither intentional nor deliberate but in view of remedy of rectification availed by the appellant. In view of these submissions, learned counsel for the appellant prays that the application may be allowed.

4. *Per contra*, learned counsel for the respondent has opposed the said application, submitting that no sufficient cause has been made out for condoning the delay. It is further submitted that the appellant was aware of the order on the date it was pronounced. He submits that the appellant had initially filed a rectification application under Section 39 of the RERA Act in respect of the order dated 10.05.2023 after almost a lapse of one year, which was dismissed. Apart this, the

appellant has failed to explain the inordinate delay of one year. He further submits that the appellant has not been duly able to justify the delay. The present appeal, thus, is barred by limitation. On these grounds, it is prayed that the delay may not be condoned and the application may be dismissed as the delay is not fully explained.

5. We have heard learned counsel for the parties.

6. After careful consideration of the facts and circumstances of the case, we are of the view that it is not in dispute that the impugned order was passed on 10.05.2023 and that the appellant had filed a rectification application under Section 39 of the RERA Act, which came to be dismissed on 03.07.2024. The explanation furnished by the appellant that the delay occurred due as he was pursuing the said remedy under a *bona fide* belief is plausible and deserves consideration.

7. In view of above, we are satisfied that sufficient grounds are made out for condoning the delay in filing the appeal. Accordingly, CM No.1040 of 2024 is allowed. Delay of 328 days in filing the appeal is condoned.

MAIN APPEAL

List on 07.11.2025.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)

04.08.2025
Manoj Rana