

Emaar India Ltd.  
Vs.  
Aniket Methews and another  
CM No. 1358 to 1359 of 2024  
In Appeal No.643 of 2024

Present: Ms. Tanika Goyal, Advocate along with  
Ms. Ankita Chaudhary, Advocate,  
for the appellant.

As per report from the registry, pre-deposit of Rs.7,08,686/- as envisaged by proviso to Section 43(5) of the RERA Act has been made by the appellant.

On merits, learned counsel for the appellant contended that occupation certificate was granted to the appellant-promoter on 05.12.2018 and thereafter offer of possession was made to the respondents-allottees vide letter dated 24.05.2019. Possession of the unit was handed over on 06.07.2019 and conveyance deed was also executed on 23.06.2021 in favour of the respondents-allottees. Two years thereafter, the complainant invoked the jurisdiction of the HRERA, Gurugram for grant of delay possession charges. As per her, the authority has erroneously passed the decree ignoring the following issues

- a) that the complaint was barred by delay and laches;
- b) that jurisdiction of the Authority was invoked after considerable delay of execution of the conveyance deed; and
- c) that interest on the DPC was awarded is violation of terms of BBA.

Appeal be registered.

Issue notice to the respondents for 19.03.2025.

Process be issued for this purpose.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

23.01.2025  
Manoj Rana