

Emaar India Ltd.
Vs.
Yatin Sanduja and another
CM No.1721 to 1723 of 2024
In Appeal No.654 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.24,98,506/- 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 12.12.2018. Possession of the unit was handed over on 20.07.2019 and conveyance deed was also executed on 02.08.2019 in favour of the respondents-allottees. Four years two months 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 08.08.2025.

Notice re: condonation of delay (CM No.1721 of 2024) as well.

Process be issued for this purpose.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

24.04.2024/Manoj Rana