

Puri Construction Pvt. Ltd.
Vs.
Kavita Pathak and another
CM No. 06 of 2024
In Appeal No.07 of 2024

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

Learned counsel for the appellant submits that it was granted licence for the project namely 'Diplomatic Greens, Sector-110-A & Sector 111 Village Chouma, Gurugram'. Allottee applied for a flat and was allotted the same. Builder Buyer's Agreement (BBA) was executed on 14.03.2012. As per her, offer of possession was made on 12.05.2017. The allottee took possession promptly thereafter and conveyance deed was also executed on 03.10.2017. She further submits that after lapse of almost five years, allottee raked-up the issues for grant of Delay Possession Charges. Same has been allowed by the Authority. According to counsel, order is unsustainable inter alia on the grounds that (i) complaint was filed after five years of the execution of the conveyance deed, thus, suffers from serious laches; (ii) complaint filed post conveyance deed that too after undue delay could have been entertained.

Ms. Goyal submits that complete pre-deposit has been made and thus, proceedings before the executing court may be stayed.

Issue notice to the respondents for 08.07.2024.

Notice re: stay as well.

Process be issued for this purpose.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

30.05.2024
Rajni