

Emmar India Ltd.
Vs.
Amba Aircon Pvt. Ltd.
CM Nos 83 & 84 of 2025
In Appeal No. 947 of 2024

Present: Ms.Ankita Chaudhary, Advocate
for the appellant.

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As per report from the Registry, pre-deposit of Rs.14,67,714/- , 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 08.01.2018 and thereafter offer of possession was made to the respondent-allottee vide letter dated 01.02.2018. Possession of the unit was handed over on 04.07.2018 in favour of the respondent. Four 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 in violation of terms of BBA.

Appeal be registered.

Issue notice to the respondent 09.07.2025

Notice re: condonation of delay as well.

Process be issued for this purpose.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

09.04.2025/mk

