

Emaar India Ltd.
Vs.
Shewta Adlakha
CM No.43 to 45 of 2025
In Appeal No.951 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.6,40,892/- 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 08.08.2019 and thereafter offer of possession was made to the respondents-allottees vide letter dated 13.08.2019. Possession of the unit was handed over on 12.09.2019 and conveyance deed was also executed on 08.01.2019 in favour of the respondents-allottees. Two years nine 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.43 of 2025) as well.

Mr. Jagdeep Kumar, Advocate accepts notice on behalf of the respondents and filed his Power of Attorney. Same is taken on

record. He prays for some to seek instructions and address arguments.

CM No.43 of 2025

This is an application seeking condonation of 26 days delay in filing of the appeal. Same is supported by an affidavit of Ms. Manish Mahajan, Authorised Representative of the appellant-company.

Learned counsel for the respondent has not opposed the prayer for condonation of delay.

On perusal thereof, this Bench is satisfied that sufficient grounds are made out for condoning the delay. Besides, pre-deposit amount of Rs.6,40,892/- has been made along with appeal by the appellant-promoter.

Application (CM No.43 of 2025) seeking condonation of delay is allowed. Delay of 94 days in filing the appeal is hereby condoned.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

24.04.2024
Manoj Rana