

Emaar India Ltd.
Vs.
Sujit Kumar Roy and another
CM Nos.46, 47 and 48 of 2025
In Appeal No.952 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.21,23,998/- 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 respondents-allottees vide letter dated 23.04.2018. Possession of the unit was handed over on 19.07.2018 and conveyance deed was also executed on 24.09.2018 in favour of the respondents-allottees. Three 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 05.04.2025.

Notice re: condonation of delay (CM No.46 of 2025) as well.

Process be issued for this purpose.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

15.02.2025/Manoj Rana