

Emaar India Ltd. Vs. Ruchika Ahuja
Appeal No. 94 of 2022

Present: Mr. Kunal Dawar, Advocate assisted by
Ms. Tanika Goyal, Advocate,
for the appellant.

Mr. Jagdeep Kumar, Advocate,
for the respondent (in Appeals No.93, 96, 97, 121, 132,
133, 138, 237, 238, 244 and 336 of 2022).

Mr. Rishabh Jain, Advocate,
for the respondent (in Appeals No.82, 98, 126, 128, and
129 of 2022)

Mr. Sanjeev Sharma, Advocate,
for the respondent (in Appeals No. 234 of 2022).

Mr. Nilotpal Shyam, Advocate,
for the respondent (in Appeal No.481 of 2022).

None for the respondent in Appeal No.154 of 2022.

Mr. Jagdeep Kumar, counsel representing the respondent
has filed written submission in Appeal No. 121 of 2022.

Learned counsel for the allottee as well as Mr. Dawar,
counsel appearing for appellant-promoter (Emaar India Ltd.) have
addressed at some length.

While allottees submit that the issue of the rights of the
parties remain alive even after execution of conveyance deeds is clearly
laid down in **Wing. Commander Arifur Rahman Khan and Ors. Vs
DLF Southern Homes Pvt. Ltd. 2020 SCC ONLINE 667 (SC),.** and the
matter needs to be decided in light of the same.

Learned counsel for the appellant-promoter has laid emphasis
of Section 55(2) of the Contract Act. According to him, the contract is
completed on the execution of the conveyance deed. He contends that the
judgment of Wing Commander Arifur Rahman Khan's case (supra) was
delivered in the backdrop of the facts of the said case.

Learned counsel submit that they shall address at length on
the aforesaid issue and other ancillary issues which arise in the present

appeal, the lead case being Appeal no. 82 of 2022 titled as Emaar India Ltd. Vs. Ajay Kumar & Anr.

To come up on 22.11.2023.

Photocopy of this order be placed on file of each appeal i.e. Appeal Nos. 93, 96, 97, 121, 132, 133, 138, 237, 238, 244, 336, 82, 98, 126, 128, 129, 234, 481 and 154 of 2022.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta
Member (Technical)

20.09.2023
Rajni