

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

CM No.720 of 2026 in/and

Appeal No. 119 of 2026

Date of decision: August 14, 2026

Charanpreet Singh Chanana son of Harvinder Singh Channa,
resident of House No. 688-B, Block B, Palam Vihar, Gurugram,
presently residing at Flat No. 3277, Sargodha Society, Sector
50-D, Chandigarh

Appellant

Versus

Emaar MGF Land Ltd., having its office at Emaar Business
Park, MG Road, Sikanderpur, Sector-28, Gurugram(122002)

Respondent

CORAM:

**Justice Rajan Gupta
Dinesh Singh Chauhan**

**Chairman
Member (Technical)**

Present: Ms. Anchal Thakur, Advocate for the appellant.

ORDER:

RAJAN GUPTA, CHAIRMAN

Present appeal is directed against order dated
08.09.2022, passed by the Authority¹. Operative part thereof
reads as under:

“Directions of the authority:

*15. Hence, the authority hereby passes this order
and issues the following directions under Section 37
of the Act to ensure compliance of obligations cast
upon the promoter as per the function entrusted to
the authority under Section 34 (f) of the Act:*

*i. The respondent is directed to get the conveyance
deed executed as per section 17 of the Act 2016*

¹ Haryana Real Estate Regulatory Authority, Gurugram

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within a period of three months from the date of this order.

ii. The complainant/allottee shall make the requisite payments and take the possession of the subject apartment as per the provisions of section 19(6),(7) and (10) of the Act within a period of 60 days .

iii. Interest on the delay payments from the respondent shall be charged at the prescribed rate of interest @10% p.a. by the promoter.

iv. The respondent shall not levy/recover any charges from the complainant which is not the part of the buyer's agreement. The respondent is also not entitled to claim holding charges from the complainants/allottees at any point of time even after being part of the buyer's agreement as per law settled by Hon'ble Supreme Court in civil appeal nos. 3864-3889/2020 decided on 14.12.2020.

16. Complaint stands disposed of.

17. File be consigned to registry."

2. The appeal is accompanied with an application seeking condonation of delay of 631 days in filing thereof.

3. Brief factual matrix of the case is that the appellant-allottee booked a unit in the project 'Palm Premier' floated by the respondent-promoter at Palm Hills, Sector 77, Gurugram. Total sale consideration of the unit was Rs.1,27,16,057/-, out of which the appellant-allottee remitted an amount of Rs.1,01,17,885/-. Buyer's agreement was executed between the parties on 12.10.2018. As per agreement, due date of possession was 28.02.2022. Occupation Certificate to the project was granted on 24.12.2020. Offer of possession was made by the respondent-promoter on 18.01.2021. The

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appellant-allottee preferred a complaint before the Authority seeking various reliefs. Vide the impugned order, the Authority disposed of the complaint by issuing the directions, as contained in the opening paragraph of this order.

4. In the application for condonation of delay, it is averred that the impugned order was passed on 08.09.2022. The same was uploaded on 28.09.2022. The appellant-allottee was suffering from Liver disease and was under treatment from various hospitals. After recovering from illness, the appellant tried to contact his counsel in April, 2023. At the end of July, 2023, the appellant came to know about the passing of the impugned order. The counsel advised him to file appeal and asked for the entire paper book from the appellant. After receipt of certified copy of the order on 06.09.2023, the appeal was filed on 12.10.2023. As the previous counsel was not removing the objections raised by the registry, the appellant engaged another counsel to represent him in the appeal. The delay is neither intentional nor deliberate.

5. We have heard learned counsel for the appellant and given careful thought to the facts of the case.

6. It is trite law that in case the grounds are so specious that sufficient cause for condoning the delay is not made out, such application has to be rejected. In a recent judgment of the Supreme Court in **Pathapati Subba Reddy (Died) by L.Rs. & Ors. V. The Special Deputy Collector (LA)**², various principles governing condonation of delay have been culled out. Paragraph 26 thereof is reproduced hereunder:

² SLP (Civil) No. 31248 of 2018, decided on 08.04.2024

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26. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:

- (i) Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself.*
- (ii) A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time;*
- (iii) The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally;*
- (iv) In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act;*
- (v) Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various factors such as, where there is inordinate delay, negligence and want of due diligence;*
- (vi) Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the court is not satisfied with the cause shown for the delay in filing the appeal;*
- (vii) Merits of the case are not required to be considered in condoning the delay; and*
- (viii) Delay condonation application has to be decided on the parameters laid down for condoning the*

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delay for the reason that the conditions have been imposed, tantamount to disregarding the statutory provision.”

7. On a perusal of the principles laid down in the aforesaid judgment, it is evident that though a liberal and justice-oriented approach has to be adopted, it cannot be used to defeat the substantial law of limitation as contained in Section 3 of the Limitation Act. Every application has to be decided in the light of facts and circumstances of each case. A right or remedy which has not been exercised for a long time, must come to an end or cease to exist after a fixed period of time.

8. In the instant case, the grounds given by the appellant-allottee for condoning the delay in filing appeal are not at all convincing. The allottee has merely given circuitous pleas in support of his application for condonation of delay. Negligence, inaction or a bald blame-shifting towards a previous counsel does not automatically constitute ‘sufficient cause’ to condone inordinate delay. Under Section 44(2) of the Real Estate (Regulation and Development) Act, 2016, a period of 60 days has been prescribed for preferring an appeal. However, in the instant case, appeal has been filed after inordinate delay of 631 days and no cogent reasons are forthcoming for condonation thereof. The appellant has failed to prove that he was reasonably diligent in prosecuting the matter and this vital test for condoning the delay is not satisfied in the present case.

9. The application is, thus, without any merit and is dismissed.

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10. Consequently, the appeal is also dismissed.
11. Copy of this order be sent to the parties/their counsel and the Authority.
12. File be consigned to records.

Justice Rajan Gupta,
Chairman,
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan
Member (Technical)

August 14, 2026
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