

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 555 of 2026

Date of decision: August 17,2026

M/s Brahma City Pvt. Ltd., Registered Office: Flat No.B-8, Cabin No. 11, Ansal Tower-38, Nehru Place, New Delhi-110019 Corporate Office: Epitome, 10th Floor, Building No. 5A, Cyber City, DLF Phase-III, Gurugram, Haryana-122002, through its authorized signatory/representative Sh. Satyendra Nath Tiwari

Appellant.

Versus

Smt. Seema Mittal W/o Mr.Vinay Mittal R/o A-71, Himalayan Residency, Plot No. 10, Sector-22, Dwarka, Delhi-110077

Respondent

CORAM:

Justice Rajan Gupta

Chairman

Dinesh Singh Chauhan

Member (Technical)

Present: Mr.Vaibhav Narang, Advocate for the appellant.

ORDER:

RAJAN GUPTA, CHAIRMAN:

Present appeal is directed against order dated 23.12.2025 passed by the Authority¹. Operative part thereof reads as under:

“G. Directions issued by the authority:

24. 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 functions entrusted to the Authority under section 34(f) of the Act of 2016:

- i. The respondent is directed to pay delay possession charges at the prescribed rate of interest @10.80% per annum from the due date of possession i.e. 31.09.2022 till valid*

¹Haryana Real Estate Regulatory Authority, Gurugram

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offer of possession i.e. 08.11.2023 plus two months i.e. 08.01.2024, as per Section 18(1) of the Act of 2016 read with Rule 15 of the Rules, ibid.

ii. The respondent is directed to pay arrears of interest accrued within 90 days from the date of order of this order as per Rule 16(2) of the Rules, ibid.

25. Complaint stands disposed of.

26. File be consigned to the Registry.”

2. It appears that a project in the name and style of 'Miracle Mile' was floated by the appellant-promoter in Sector 60, Gurugram. The respondent-allottee booked a unit therein. Total sale consideration of the unit was Rs.58,05,072/-. The respondent-allottee remitted an amount of Rs.67,95,210/-. Due date of possession was 31.09.2022. Occupation Certificate was granted to the project on 16.08.2023. Offer of possession was made to the respondent-allottee on 08.11.2023. The unit was handed over to the allottee on 08.07.2024. Conveyance Deed was also executed in favour of the allottee on 06.06.2024. As there was delay in handing over the possession, the allottee preferred a complaint before the Authority seeking Delay Possession Charges.

3. After hearing rival contentions of the parties, the Authority issued the directions, as reproduced in the opening paragraph of this order.

4. Aggrieved by the order of the Authority, the promoter has filed the present appeal.

5. The promoter has assailed the impugned order on the ground that no claim for interest on account of delay in delivery of possession could be maintained after the execution

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of the Conveyance Deed, as all contractual obligations stood discharged upon execution thereof. The claim for interest on account of delay could not be raised once the possession of the unit was handed over on 08.07.2024 and conveyance deed executed on 06.06.2024. The appellant stood discharged of all obligations under various provisions of the Act. No cause of action would survive after execution of the conveyance deed.

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

7. The issue with regard to maintainability of a complaint after execution of the Conveyance Deed is no longer *res integra* in view of the judgment of this Tribunal in Appeal No. 946 of 2024—***Emaar India Limited v. Poonam Goel and another***, decided on 02.07.2026.

8. In view of above, the appeal is dismissed.

9. The amount of pre-deposit made by the appellant-promoter, along with interest accrued thereon, be remitted to the Authority for disbursement to the respondent-allottee, subject to tax liability, if any.

10. Copy of this order be sent to the parties/their counsel and the Authority.

11. File be consigned to records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan

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Member (Technical)

August 17, 2026
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