BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 696 of 2026

Date of Decision: August 31,2026

Mrs. Urmila Kumari Kadam, Flat No. B-301, Omsatyam Apartments, Sector-4, Plot No. 13, Dwarka, New Delhi-110078

Appellant

Versus

1. M/s Y. B. Builders Pvt. Ltd.

2. M/s Nimai Developers

SCO-304, 2nd Floor, Sector 29, Gururam, Haryana,122002

Respondents

CORAM:

Justice Rajan Gupta **Chairman**
Dinesh Singh Chauhan **Member (Technical)**

Present: Mr. Ritesh Kumar Pandey, Advocate for the appellant.

O R D E R:

RAJAN GUPTA, CHAIRMAN

Present appeal is directed against order dated 12.03.2026, passed by the Authority[1]. Operative part thereof reads as under:

> ***"H. Directions of the Authority:***
>
> *21. 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):*

[1] Haryana Real Estate Regulatory Authority, Gurugram

i. The complainant is directed to pay outstanding dues. The rate of interest chargeable from the allottee by the promoter, in case of default shall be charged at the prescribed rate i.e. 10.80% by the respondent/promoter which is the same rate of interest which the promoter shall be liable to pay the allottees, in case of default i.e., the delayed possession charges as per section 2(za) of the Act.

ii. The respondents are directed to hand over physical possession of the subject unit to the complainant/allottee within 30 days, upon payment of outstanding dues, if any.

iii. The respondents are directed to execute the conveyance deed registered in favour of the complainant within 90 days as per section 17 of the Act, upon payment of requisite stamp duty charges and administrative charges as per norms of the state government.

iv. A period of 90 days is given to the respondents to comply with the directions given in this order and failing which legal consequences would follow.

22. Complaint stands disposed of.

23. File be consigned to registry."

2. It appears that a project in the name and style of 'Nimai Palace' was floated by respondent No. 1-YB Builders Private Limited in Sector 114, Gurugram. The appellant-allottee booked a unit therein. Total sale consideration of the unit was Rs.67,37,923/-. The allottee remitted an amount of Rs.50,00,000/-. No BBA was executed between the parties. Due date of possession was 11.06.2023. Occupation certificate was granted to the project on 12.04.2023. Offer of possession was made to the allottee on 01.04.2023. The allottee preferred a complaint before the Authority on 01.07.2025 seeking delay

possession charges till actual handing over of possession and other ancillary reliefs.

3. The stand of the promoters before the Authority was that the appellant-allottee failed to adhere to the payment schedule despite letters and communications. The promoters also asked the allottee to execute the BBA but she did not come forward to execute the same.

4. After considering rival contentions of the parties, the Authority disposed of the complaint by giving the directions, as reproduced in the opening paragraph of this order. Feeling aggrieved, the allottee has preferred the instant appeal.

5. Learned counsel for the appellant-allottee contended that Authority has erred in not granting delay possession charges. He submitted that due date of possession has wrongly been calculated by the Authority.

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

7. Admittedly, no BBA was executed between the parties. The respondent-promoters had received more than 10% of the sale consideration from the allottee. It is evident from the record that the Authority, by taking the date of application, computed the due date of possession as 11.06.2023. Occupation Certificate in principle was granted to the project on 10.02.2023. Final Occupation Certificate to the project was granted on 12.04.2023. The promoters made offer of possession to the allottee on 01.04.2023, which constitutes valid offer of possession. The Authority rightly observed that as 'valid offer of possession' was given to the allottee, she is not entitled for any

delay possession charges. We find no legal infirmity with the impugned order, warranting interference by the Tribunal.

8. In view of the above, the appeal is dismissed. Consequently, the accompanying applications are also dismissed.

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

10. File be consigned to records.

Justice Rajan Gupta,
Chairman,
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan
Member (Technical)

August 31,2026
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