

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

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**Appeal No.881 of 2022**

**Date of Decision: February 17,2026**

Landmark Apartments Pvt. Ltd., Plot No. 65, Sector 44,  
Gurugram, Haryana

Appellant.

Versus

1. Mr. Hari Ram  
2. Mrs. Nisha Gupta  
Both R/o F 2611-B, Palam Vihar, Gurugram, Haryana

Respondents

**CORAM:**

**Justice Rajan Gupta**  
**Dinesh Singh Chauhan**

**Chairman**  
**Member (Technical)**

Present: Mr. Yashvir Singh Balhara, Advocate for  
Mr. Venkat Rao, Advocate for the appellant.

Mr. Neeraj Goel, Advocate for the respondents.

**ORDER:**

**RAJAN GUPTA, CHAIRMAN:**

Present appeal is directed against order dated 12.08.2022 passed by the Authority<sup>1</sup>, whereby the appellant-promoter was directed to pay Rs.79,31,700/- to the respondent-allottees within 90 days from the date of order.

2. A project in the name and style of 'Kunjeans Height' was floated by the appellant-promoter in Sector 85 & 88, Faridabad. The respondents were allotted a flat No. B-401 in Tower 5C therein. Flat Buyer's Agreement was executed between the parties 04.08.2012. Total sale consideration of the unit was Rs.42,00,000/-, out of which the respondent-allottees

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<sup>1</sup> Haryana Real Estate Regulatory Authority, Panchkula

remitted an amount of 38,91,920/- upto 24.07.2012. In terms of the agreement, due date of possession was 04.08.2014 i.e. 24 months from the date of execution of the agreement. As there was inordinate delay in handing over the possession, the respondent-allottees preferred a complaint before the Authority in the year 2019 seeking refund of the amount paid by them along with interest.

3. After considering rival contentions of the parties, the Authority directed the appellant-promoter to refund the paid-up amount to the respondent-allottees along with interest.

4. The only grievance of the appellant-promoter is that it is entitled for 'zero period' as it applied for grant of Occupation Certificate to DTCP on 25.05.2017 and the same has not been granted till date.

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

6. Admittedly, Occupation Certificate has not been granted to the project till date. The plea of the appellant-promoter that it is entitled for 'zero period', as it applied for grant of Occupation Certificate to DTCP on 25.05.2017, which has not been granted, is misplaced. Mere application for grant of Occupation Certificate does not constitute completion of the project. The initial stage of completion of project would be when Occupation Certificate is granted which is not the situation in the instant case. The time taken by the authorities to process an Occupation Certificate is not automatically considered a 'zero period' for which the promoter can escape its liability to pay interest to allottee(s).

7. In the impugned order, detailed calculations have been made by the Authority. The chart made by it is reproduced hereunder for ready reference:

| Sr. No       | Principal Amount      | Date of Payment | Interest accrued till 12.08.2022 @ 9.80% | Total                 |
|--------------|-----------------------|-----------------|------------------------------------------|-----------------------|
| 1            | Rs.1,00,000/-         | 24.05.2010      | Rs.1,19,855/-                            | Rs.2,19,855/-         |
| 2            | Rs.2,83,000/-         | 30.07.2010      | Rs.3,34,100/-                            | Rs.6,17,100/-         |
| 3            | Rs.2,83,000/-         | 27.12.2010      | Rs.3,22,702/-                            | Rs.6,05,702/-         |
| 4            | Rs.2,00,000/-         | 04.10.2011      | Rs.2,12,969/-                            | Rs.4,12,969/-         |
| 5            | Rs.1,00,000/-         | 04.10.2011      | Rs.1,06,484/-                            | Rs.2,06,484/-         |
| 6            | Rs.90,000/-           | 04.10.2011      | Rs.95,836/-                              | Rs.1,85,836/-         |
| 7.           | Rs.1,57,500/-         | 04.10.2011      | Rs.1,67,713/-                            | Rs.3,25,213/-         |
| 8            | Rs.2,82,800/-         | 12.01.2012      | Rs.2,93,545/-                            | Rs.5,76,345/-         |
| 9            | Rs.5,47,420/-         | 22.03.2012      | Rs.5,57,930/-                            | Rs.11,05,350/-        |
| 10.          | Rs.1,24,200/-         | 30.06.2012      | Rs.1,23,250/-                            | Rs.2,47,450/-         |
| 11           | Rs.3,00,000/-         | 30.06.2012      | Rs.2,97,705/-                            | Rs.5,97,705/-         |
| 12           | Rs.10,00,000/-        | 30.06.2012      | Rs.9,89,666/-                            | Rs.19,89,666/-        |
| 13           | Rs.4,24,000/-         | 24.07.2012      | Rs.4,18,025/-                            | Rs.8,42,025/-         |
| <b>Total</b> | <b>Rs.38,91,920/-</b> |                 | <b>Rs.40,39,780/-</b>                    | <b>Rs.79,31,700/-</b> |

8. The judgment of the Authority at Gurugram in complaint No. 4413 of 2020—**Ms. Saroj Bala Jain v. M/s**

**Shree Vardhman Buildprop Pvt. Ltd.**, decided on 28.09.2021, relied upon by counsel for the appellant is not applicable to the instant case.

9. Consequently, the view taken by the Authority is plausible. No interference is called for in the present appeal.

10. The appeal is, accordingly, dismissed.

11. The amount of pre-deposit made by the promoter with this Tribunal along with interest accrued thereon, be remitted to the Authority for disbursement to the respondent - allottees, subject to tax liability, if any, according to law.

12. File be consigned to the record.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan  
Member (Technical)

February 17, 2026  
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