

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**RERA Appeal No.20 of 2022 (O&M)
Date of decision: 14.07.2022**

M/s Lotus Realtech Pvt. Ltd.

...Appellant

Versus

Smt. Ishita Bansal

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Abhishek Singh, Advocate, for the appellant.

ANIL KSHETARPAL, J (Oral)

The promoter-developer assails the correctness of the order passed by the Haryana Real Estate Regulatory Authority, Gurugram, which has been confirmed by the Haryana Real Estate Appellate Tribunal.

As per the apartment-buyers agreement, the possession of the apartment was to be delivered in November, 2019. The authorities after taking into consideration the delay in getting the environmental clearance certificate and the difficulties faced by the promoters due to surge in Covid-19 cases have already been granted the benefit of 13 months. The apartment-buyer has been held entitled to interest for the delayed delivery of possession of the apartment.

This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper Book.

The learned counsel representing the appellant submits that the project was completed within the time prescribed, however, the government did not issue the occupancy certificate to the promoter. This is a matter between the appellant and the government. The apartment-buyer cannot be penalized for the same. There may be various reasons for the delay in issuance of the occupation certificate including the default by the

promoter, violation of certain terms and conditions and failure to pursue the matter for issuance of the occupation certificate.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

July 14, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No