



REAL ESTATE

487 Days Too Late: The Haryana REAT's Uncompromising Stance on Delay Condonation Under RERA

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Introduction

A recent order of the Haryana Real Estate Appellate Tribunal is a compelling reminder that the right to seek appellate redress under the Real Estate (Regulation and Development) Act, 2016 ("RERA") is neither unconditional nor inexhaustible. In dismissing an application for condonation of a staggering delay of 487 days in the filing of an appeal, the Tribunal has reinforced the primacy of limitation law and the indispensable obligation of litigants to exercise their remedies with reasonable promptness and due diligence.

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Background and Factual Matrix

The appellants, Pankaj Chawla and another, had invested in Unit/Shop No. 0059, admeasuring a super area of 552 sq. ft., situated within the commercial project "Amb Selfie Street" at Sector 92, Gurugram, developed by the respondent, Amb Infraventures Pvt. Ltd. An order was passed against the appellants by the Haryana Real Estate Regulatory Authority, Gurugram ("Authority") on 03 January 2024.

The appellants did not prefer an appeal within the statutory period of 60 days prescribed under Section 44(2) of RERA. Instead, the appeal came to be filed after an inordinate delay of 487 days. Consequently, an application seeking condonation of such delay was filed before the Tribunal, supported by an affidavit of Appellant No. 1, Pankaj Chawla.

Submissions Advanced by the Appellants

The appellants, through their counsel, advanced a three-fold justification for the delay. First, it was contended that their erstwhile counsel failed to inform them of the passing of the impugned order, and that they learned of the same only upon independently inquiring into the matter at a subsequent stage. Second, upon becoming aware of the order, the appellants alleged that they approached the respondent-developer with a view to taking possession of their unit, and that the respondent had initially expressed willingness to accept payment with interest and deliver possession, only to subsequently resile from that position on account of an escalation in property values. Third, it was submitted that after the respondent's refusal, the appellants engaged new counsel for the purpose of filing the appeal, during which period further delay accrued as the appellants were out of station and time was consumed in finalizing the requisite documentation.

The Legal Framework: Principles Governing Condonation of Delay

The Tribunal placed considerable reliance upon the authoritative pronouncement of the Hon'ble Supreme Court of India in Pathapati Subba Reddy (Died) by L.Rs. & Ors. v. The Special Deputy Collector (LA) [SLP (Civil) No. 31248 of 2018, decided on 08.04.2024], wherein a comprehensive set of governing principles on condonation of delay was articulated.

The Supreme Court, in the said decision, affirmed that the law of limitation is grounded in public policy, premised upon the principle that litigation must be brought to finality and that rights and remedies not exercised within the prescribed period must cease to exist. The Court drew a critical distinction between Sections 3 and 5 of the Limitation Act, holding that Section 3, which bars time-barred claims, must be construed strictly, whereas Section 5, which enables condonation, is to be read liberally. Crucially, however, the Court held that a justice-oriented approach cannot be deployed so as to override the substantive mandate of Section 3, and that the discretion to condone delay, while available, need not be exercised even where sufficient

cause is shown, particularly in cases of inordinate delay, negligence, or want of due diligence. The Court further held that the merits of the underlying case are irrelevant to the determination of a delay condonation application.

The Tribunal's Analysis and Reasoning

Applying the aforesaid principles to the facts of the case, the Tribunal found the grounds advanced by the appellants to be wholly unconvincing and devoid of legal merit. The Tribunal characterised the explanations offered as “circuitous pleas” that failed to satisfactorily account for the prolonged period of inaction.

The Tribunal held that the appellants had failed to demonstrate that the delay was attributable to circumstances beyond their control, or that they had acted with reasonable promptness upon gaining knowledge of the impugned order. The test of reasonable diligence in prosecuting the matter was found to be conspicuously unsatisfied. Notably, the Tribunal observed that under Section 44(2) of RERA, the prescribed limitation period of 60 days for preferring an appeal already reflects a legislative policy of expeditious resolution of disputes under the Act, and that an unexplained deviation of 487 days from this mandate cannot be countenanced.

Final Decision

The Tribunal, being of the considered opinion that sufficient grounds for condoning the delay had not been made out, dismissed the application for condonation of delay. As a necessary corollary, Appeal No. 308 of 2025 was also held to not survive and was accordingly dismissed.

Key Takeaways for Homebuyers and Investors

This decision carries significant practical implications for allottees and investors operating within the RERA framework. It underscores that the right to appeal an adverse order of a RERA Authority is a time-bound statutory remedy that must be exercised within 60 days of the impugned order. The judgment further reaffirms that extra-judicial negotiations with a developer, however promising, do not constitute a valid basis for prolonged delay in the exercise of statutory appellate remedies. Parties who allow limitation periods to lapse while pursuing informal settlement discussions do so at their peril.

Conclusion

The Haryana Real Estate Appellate Tribunal's order in Pankaj Chawla v. Amb Infraventures is a salutary reminder of the non-negotiable demands of procedural discipline in RERA litigation. In affirming that inordinate and inadequately explained delay cannot be condoned in the name of substantial justice alone, the Tribunal has reinforced the legislative intent underlying RERA's expeditious dispute resolution mechanism. For prospective litigants, the message is unambiguous: the clock runs from the moment an adverse order is passed, and vigilance in the exercise of legal remedies is not merely prudent it is indispensable.

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