



RERA-APPL-207-2026

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

Item No.121

RERA-APPL-207-2026

Date of Decision: 17.09.2026

Anish Mukker and another

...Appellants

Versus

M/s Ireo Victory Valley Pvt. Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Ms. Krishna Saroof, Advocate and
Mr. Priyanshu Kamra, Advocate for the appellants
Mr. R.S. Khaira, Advocate for the respondent

JAGMOHAN BANSAL, J. (Oral)

1. The appellants through instant appeal under Section 58 of the Real Estate (Regulation and Development) Act, 2016 (for short '**2016 Act**') are seeking setting aside of interim order dated 08.05.2026 whereby learned Haryana Real Estate Appellate Tribunal, Chandigarh (for short '**Appellate Tribunal**') has ordered to handover the possession of the apartment subject to the adjudication of Delayed Possession Charges ('**DPC**') and outstanding amount.

2. The respondent-company is a promoter of a real estate project. The respondent allotted an apartment in its project named as '*Ireo Victory Valley*' situated in Sector 67, Gurugram to the appellants for a consideration of ₹4,20,39,519/-. The appellants paid a sum of ₹4,12,82,599/-. The appellants filed a complaint before the Authority alleging delayed completion of the project and arbitrary demand of charges. The Authority vide order dated 18.04.2024 directed the respondent to pay interest @ 10.85% per annum for the delayed period and handover possession to the



appellants. The respondent was further directed to execute conveyance deed in favour of the appellants.

3. The respondent preferred an appeal. The respondent complied with condition of pre-deposit as per Section 43(5) of 2016 Act. On the application of the respondent, learned Appellate Tribunal preponed the matter from 22.07.2026 to 08.05.2026 and passed impugned order which is reproduced as below:

“It is contended that requisite pre-deposit i.e. ₹ 3,49,49,735/- in terms of proviso to Section 43(5) of the RERA Act has been made by the appellant. Report of the Registry is to the same effect.

Mr. Sagar undertakes that in case any of the drafts has outlived its validity, a fresh draft will be submitted by Tuesday i.e., 12.05.2026 in the Registry.

This apart, Mr. Sagar submits that the appellant is ready to handover possession to the allottee subject to final outcome of the issues involved in this appeal as regards the computation of Delay Possession Charges (DPC) and outstanding dues. He further submits that urgency in this appeal has arisen as a result of order dated 22.04.2026 passed by the Authority at Gurugram whereby it has been directed that the Bailiff to visit the site on 08.05.2026 at 02:00 PM and deliver the possession.

We hereby direct that the possession may be handed over to the allottee subject to the adjudication of DPC and outstanding amount, if any.

List on 19.05.2026.”

4. Learned counsel for the appellants submits that in view of impugned interim order, the appellants cannot take possession of the flat.

5. A perusal of the above quoted order reveals that learned Appellate Tribunal has directed the respondent to handover the possession to



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the allottee subject to adjudication of DPC and outstanding amount, if any. The Appellate Tribunal has not stayed possession of the flat. The respondent has filed appeal before the Appellate Tribunal which is still pending and listed for hearing on 17.09.2026 i.e. today.

6. The appellants may raise all the issues before the learned Appellate Tribunal. They may move an application before the learned Appellate Tribunal if they believe that as per impugned order they cannot take possession of the flat without making payment of the outstanding dues allegedly raised by the respondent. There seems no factual or legal infirmity in the impugned order warranting interference of this Court. No question of law much less substantial question of law arises for the consideration of this Court.

7. In the wake of above discussion and findings, this Court is of the considered opinion that present appeal deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

17.09.2026
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No