

**BEFORE THE
REAL ESTATE REGULATORY AUTHORITY, PUNJAB,
SAS NAGAR (MOHALI)**

Complaint No.1014 OF 2018
Date of Decision: 27.11.2018

Mehak Aggarwal

...Complainant

Versus

Chief Administrator, PUDA Mohali

...Respondent

ORDER

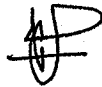
A complaint dated 16.10.2018 was received from Mehak Aggarwal r/o Urban Estate Patiala in regards to Plot No. 407 (old), relocated to New Plot No. 454 allotted by PUDA in Guru Ram Dass Urban Estate, Old Jail Site, Amritsar, as a consequence of a Scheme launched on 4.12.2015, inviting applications for 389 plots. The complainant has alleged that he applied for 500 sq. yd. under the above scheme by depositing Rs.9.00 lakh after raising finance from Punjab National Bank, Patiala as 10% initial deposit towards the cost of plot. He was allotted plot no. 407 by way of General Draw held on 9.3.2016. As per the letter of the intent issued by PUDA, he further deposited a sum of Rs.15,30,000/- on 27.5.2016. He was, thereafter, issued a letter of allotment on 27.10.2016 re-scheduling recovery of balance of 75% of amount in 6 equated installments. The possession of the plot was promised to be handed over in 90 day from the date of allotment letter, as per clause 6 of the allotment letter. Subsequently, on the request of the complainant, the schedule for installments was revised and one year moratorium was granted. However, the installments were payable alongwith interest as mentioned in the revised schedule dated 29.12.2016.



The case of the complainant is that the respondent failed to offer possession of the plot within 90 days and subsequently re-located the plot no.407 as the same fell under Multi-use Site (II) of 4.27 acres. After a protracted communication, he was finally re-allotted Plot No. 454 in place of original Plot No. 407.

The complainant has alleged that the development work at the site is still not complete and the respondent is not in a position to give possession, as the contract for the development work allotted on 11.6.2018 is for period for 15 months for completion of the works. The complainant has accordingly asked for the following relief:-


1. Withdraw and cancel the original Allotment letter dated 27.10.2016 as the recovery of 75 percent amount has not been scheduled in 8 instalments and also possession has neither been delivered in 90 days nor in 180 days of date of Allotment letter i.e. 27.10.2016.
2. Issue a New Allotment Letter in current date by rescheduling the recovery of Balance 75% in 8 instalments alongwith granting one year moratorium from the date of new allotment letter and duly incorporating the new allotted plot number in the new allotment letter. The date of new allotment letter should be such where the promise of handing over possession either in 90 days or in 18 months from the date of allotment letter is fulfilled and correct period of handing over possession should be mentioned in the Clause (6) of allotment letter.
3. Waive the Outstanding interest and penalty on outstanding principal amount of 75% i.e. on Rs.6750000/- from the date of issue of allotment letter dated 27.10.2016 upto the issue of offer of possession or at least up to current date.
4. Pay me the interest @ 12% on my initial deposit of 25% i.e. Rs.2250000/- from the date of deposit till offer of possession.
5. Deliver me the possession on 25% payment.
6. Postpone the recovery of balance 75% amount till the development works are completed and the offer of possession is made.



The authorized representative of the respondent informed that the complainant has so far only paid the initial 25% amount and has defaulted in respect of 3 installments as per the revised schedule for payment of the installments. He further informed that PUDA has already, by way of a speaking order dated 20.09.2018, waived off interest leviable on the installments towards the balance 75% of the amount which was required to be deposited by the allottees in 6 equated installments. He further informed that the complainant should deposit the delayed installments, without the interest and thereafter if any grievance is still pending, then he can make a representation, which shall be promptly re-dressed on merits.

In view of the reply of the respondent and the fact that the complainant has defaulted in regards to 3 installments, despite the payment schedule having been revised, the complaint is dismissed. The complainant is directed to deposit the 3 pending installments, without interest, and thereafter take up any pending issue with the competent officer of the authority (PUDA). In case of non redressal of the same, he shall be free to file a fresh complaint which shall be decided on its merits. File be consigned to record room and copy of order be provided, free of cost, to both the complainant and the respondent.

SAS Nagar (Mohali)
Dated: 27.11.2018


(SANJIV GUPTA)
Member
RERA, Punjab
27/11/18