

Complaint GC No. 10852018
1. **Gursharan Singh**
Vs.
PUDA
RERA Registration No. PBRERA-ASR02-PR0169

Complaint No. GCNo.10842018
2. **Prem Nath Sharma**
Vs.
PUDA
RERA Registration No. PBRERA-ASR02-PR0169

Complaint No. GCNo.11352018
3. **Rita Kaundal**
Vs.
PUDA
RERA Registration No. PBRERA-ASR02-PR0169

Complaint No. GCNo.11342018
4. **Tejinder Pal Kaur**
Vs.
Punjab Urban Planning Development Authority
RERA Registration No. PBRERA-ASR02-PR169

Complaint No. GCNo.10862018
5. **Naresh Kumar**
Vs.
PUDA
RERA Registration No. PBRERA-SAS80-PR0240

Present:- Sh. Akhilesh Byas, Advocate on behalf of complainants.
Sh. Bhupinder Singh, Advocates on behalf of respondent.

Since the cause of action in the above General Complaints (GCs) are common in nature hence all the complaints were taken up together as the cause of action is same and reliefs sought are also same.

The counsel for the complainants reiterated the points for which the counsel for the respondent was directed on the previous date, to seek instructions from the respondent. The counsel for the complainants referred to a speaking order dated

20.09.2018 issued by Chief Administrator, PUDA, SAS Nagar, as a consequence of the directions issued by Hon'ble Punjab and Haryana High Court vide order dated 24.04.2018 in CWP No. 9989 OF 2018 titled Jaswant Singh and Ors. Vs. State of Punjab and Ors. He specifically invited attention towards Para No. 7 of the speaking order, which is reproduced below:-

"7. In compliance of the aforesaid directions, passed by the Hon'ble High Court, a meeting was held on 02.01.2017 under the Chairmanship of the Additional Chief Secretary (Development), Government of Punjab, and the following decision was taken with regard to allotment of sites through draw of lots as per Para No.3 of proceedings of the meeting, which is reproduced below:-

3. In case the site to be sold through draw of lots of the inviting application from public the following policy must be followed:-

- (i) Application must be invited only when the land is free from all encumbrances.*
- (ii) After the receipt of application with 10% of the sale price, the draw of lots will be held by the Authority/Deptt. In such cases after payment of 25% of the condition price, the LOI/Allotment letter will be issued to the successful applicant and no interest must be charged till the possession of that plot is given to the Allottee.*
- (iii) No possession in such cases must be given to allottee until and unless all the basic amenities i.e. water supply, sewerage, Roads, parking etc wherever required is made.*
- (vi) The department Authority will duty bound to complete all the development works at site in shortest period possible not extending more than 18 months. In case of 18 months is elapsed and the possession is not handed over to the allottees, simple interest which of 12% will be provided to the allottee on the 25% amount which has been deposited by the Allottee with the Authority/Deptt."*

He also invited attention to Para No. 8, which pertains to a decision taken at the level Addl. Chief Secretary (Development), Govt. of Punjab, in the meeting held on 02.01.2017, in compliance of the directions issued by Hon'ble Punjab & Haryana High Court in the matter of Ram Kishan and Ors. Vs. State of Haryana & Ors. in CWP No.4108 of 2016.

In response to the same, the counsel for the respondent confirmed the decision of the Chief Administrator, PUDA, SAS Nagar and stated on behalf of the respondents, by reiterating the contents of the reply filed by the respondent, on 18.12.2018, which is reproduced below:-

"No interest on the installments on balance 75% of the price of plots be charged from the allottees till the site is ready of possession by completing development works and after completion of development, possession of plots is offered to the respective allottees."

He further stated that the matter regarding penalty, if any, shall arise only at the time of offer of possession and the same is premature at this stage and as such no cause of action is made out in this regard.

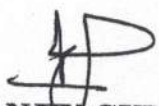
As regards the tentative date by which the development works are likely to be completed and the date by which offer of possession is likely to be made, the respondent handed over a letter which states that a contract for execution of the development works on the site were allotted on 23.05.2018 which is likely to be completed by 22.08.2019 and the works relating to electricity supply was awarded on 12.07.2018 and the same is likely to be completed by 10.10.2019. He further stated that the possession shall be offered after the completion of the above development works, which are already under execution at the site.

In view of the submissions made by the counsel for the complainants and the statement made by the counsel for the respondent as well as reply filed in this regard and certain additional documents submitted today, the following is ordered:-

1. The complainants shall be entitled to a simple interest @ 12% on the 25% amount which has been deposited by the allottees with the respondent as per the decision dated 20.09.2018 of Chief Administrator, PUDA, SAS Nagar in this regard. This rate of interest shall be independent of the rate of interest as prescribed under the Real Estate (Regulation & Development) Act, 2016, since this is a decision taken by the competent authority as a consequence of the directions of Hon'ble Punjab and Haryana High Court vide order dated 24.04.2018 in CWP No. 9989 OF 2018 titled Jaswant Singh and Ors. Vs. State of Punjab and Ors. as per para 7(3)(iv)
2. As per Para 7(3)(ii) no interest shall be charged by the respondent from the allottees till the possession of the plot is given to the allottees.
3. The complainants shall deposit the balance amount of the installments pending towards cost of their respective plots. The respondent shall endeavour to hand over the possession of the plots within a reasonable time after the completion of development works at the site.

The complaint is accordingly disposed off. Files be consigned to record room and copy of order be provided, free of cost, to both the complainants and the respondent.

SAS Nagar (Mohali)
Dated: 09.04.2019


(SANJIV GUPTA)
Member 09/04/19
RERA, Punjab