

**BEFORE THE CHAIRPERSON, REAL ESTATE REGULATORY  
AUTHORITY, PUNJAB**

GC No.1332 of 2019  
Date of Institution 08.07.2019  
Date of Decision 22.09.2019

I.

1. Anil Chopra
2. Ashima Chopra

Both r/o B-204, Golf Links Yapral, Secunderabad, Hyderabad,  
Andhra Pradesh-500087

....Complainants

Versus

1. M/s ATS Estates Pvt. Ltd. through its Director, ATS Tower Plot No.16, Gautam Buddha Nagar, Sector 135, Noida, Uttar Pradesh 201305.
2. M/s ATS Estates Pvt. Ltd. through its authorised representative 711/92, Deepali, Nehru Place, New Delhi 110019
3. M/s ATS Estates Pvt. Ltd. through its authorised representative, ATS Golf meadows, Chandigarh Ambala Highway, Opposite Sadashiv Complex, near Derabassi Barwala Chowk, Derabassi, Mohali - 140507

.... Respondents

II.

GC No.1341 of 2019  
Date of Institution 12.07.2019  
Date of Decision 22.09.2019

1. Jasneet Bakshi
2. Priyanka Bakshi

Both r/o House No.69, Block No.14, Geeta Colony, East Delhi, Delhi 110031

....Complainants

Versus

1. M/s ATS Estates Pvt. Ltd. through its Director, ATS Tower Plot No.16, Gautam Buddha Nagar, Sector 135, Noida, Uttar Pradesh 201305.
2. M/s ATS Estates Pvt. Ltd. through its authorised representative 711/92, Deepali, Nehru Place, New Delhi 110019
3. M/s ATS Estates Pvt. Ltd. through its authorised representative, ATS Golf meadows, Chandigarh Ambala Highway, Opposite Sadashiv Complex, near Derabassi Barwala Chowk, Derabassi, Mohali - 140507

.... Respondents

*Handwritten signature/initials*

Present : 1. Shri Ravi Inder Singh, Advocate for complainants  
2. Shri Harshy Bungar, Advocate for respondents

### ORDER

These 2 complaints will be decided by a common order since similar points of law and facts are involved in each of these. A copy of the order be placed on each file.

2. The complaints are under Section 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the Act) against the respondents alleging violation of Section 18 of the Act by way of delay in handing over possession of the apartments in the project 'ATS Golf Meadow Lifestyle', developed by the respondents.

3. The details of the allotments made in favour of the complainants are noted below:

SNo	Complaint No.	Complainant's name	Nos. of Apartment allotted	Date of Allotment Letter	Date of Buyer's Agreement
1.	1332/2019	Anil Chopra and Ashima Chopra	5122	24.08.2013	27.08.2013
2.	1341/2019	Jasneet Bakshi and Priyanka Bakshi	5172	N.A.	21.01.2015

The main contention in the complaints is that under the Buyer's Agreement the respondents had committed that the possession of the apartments would be handed over within 42 months (36 months plus 6 months' grace period) from the date of actual start of construction of the Tower in which the apartments were located.



The respondents had informed vide letter dated 27.08.2013 (in Complaint No.1332/2019) and through an undated letter (in Complaint No.1341 of 2019) that construction of the Tower had started in February 2013. Therefore possession was to be handed over by 31.08.2016. However, possession had still not been delivered, leading to the present complaints. The relief sought is a direction to the respondents to hand over early possession of the apartments to the complainants, and also payment of interest for this delay.

4. Notice of the complaints was served on the respondents. However despite numerous opportunities granted to respondents to file a reply, and also the imposition of costs, this was not done; and the defence was accordingly ordered to be struck off on 11.03.2020.

5. When the matter was taken up through video conferencing on 01.09.2020. Shri Ravi Inder Singh, Counsel for the complainants reiterated the contents of the complaints. He submitted that default on part of respondents was fully established and the complainants were entitled to receive interest at the rate prescribed in the Punjab State Real Estate (Regulation and Development) Rules, 2017. These arguments have been considered, and in the absence of any rebuttal, are accepted. It is however seen that the date allowed for completion of the project by the Authority at the time of registration of the project is 01.09.2026. Therefore it is not possible to give a direction for delivery of possession of the apartments before this date. However,

the respondents would be liable to pay interest for the entire period of delay.

6. These complaints are accordingly accepted. The respondents are directed to pay interest at the rate of 9.30% per annum (SBI's MCLR prevailing today of 7.30% plus 2%) from 01.09.2016 till possession is handed over to the complainants, after obtaining Occupation Certificate for the concerned Tower from the Competent Authority.

Announced.



Chairperson  
Real Estate Regulatory Authority  
Punjab