

**REAL ESTATE APPELLATE TRIBUNAL, PUNJAB,
SAS NAGAR (MOHALI)**

APPEAL NO. 41 OF 2018

M/s Janta Land Promoters, SCO No. 39-42, Sector-82, S.A.S.
Nagar, Mohali.

....Appellant

Versus

Jasbir Singh & Hardeep Kaur, R/o House No. 201, H-Block,
Rishi Apartments, Lohgarh, Zirakpur, Mohali.

....Respondents

Present: Sh. Abhinav Gupta & Sh Vinay Pandey, Advocates for the
appellant.

Sh. Gaurav Gupta, Advocate for the respondents.

Sh. G.P.S Baweja, Legal Advisor o/o the Real
Estate of Regulatory Authority, Punjab.

**CORAM: JUSTICE RAJIVE BHALLA, (RETD), CHAIRMAN
S.K. SHARMA, IPS (RETD.), MEMBER**

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JUDGMENT: (Rajive Bhalla (J) (Retd): (oral)

Prayer in this appeal is to set aside order dated
11.09.2018, passed by the Real Estate Regulatory Authority, Punjab
granting interest to the respondent from the date of deposit of
payment.

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After addressing arguments, Counsel for the respondents fairly concedes that procedure prescribed by Rule 36 read with form- M has not been adhered to by the Authority and therefore prays that the impugned order may be set aside and the matter may be remitted for adjudication afresh.

Before recording our order, it would be appropriate to record that the manner in which power under Rule 36, is to be exercised is covered by a judgment, dated 20.09.2018, recorded by this Tribunal, in Appeal No.1 of 2018 tilted as *Emaar MGF Land Ltd. versus Kamalroop Singh Sookh and another*, though while interpreting Rule 37, which is para materia to Rule 36.

Consequently the appeal is allowed, order dated 11.09.2018, is set aside and the matter is remitted to the RERA for adjudication afresh, in accordance with law.

The Registry shall forward the amount deposited by the appellant to RERA which shall while deciding the complaint afresh, pass an order in relation to the amount so forwarded.

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Parties are directed to appear before the Authority/

Appropriate Officer on 28.01.2019. The complaint be decided within two months from the aforesaid date.



JUSTICE RAJIVE BHALLA (RETD.)

CHAIRMAN



S.K SHARMA, IPS (RETD.)

MEMBER

January 14, 2019

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