

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

Subject: -

**Appeal No. 235 of 2020**

Emaar MGF Land Ltd., through its Authorized Representative Mr. Subrat Pradhan, office at Shop No. 41, Central Plaza, Landran Banur Road, Mohali Hills, Sector-105, SAS Nagar (Mohali), Punjab.

....Appellant

**Versus**

Kanwaljit Singh Talwar, House No.132, Sector-2, Panchkula, Haryana.

....Respondent

To,

**REAL ESTATE REGULATORY AUTHORITY, PUNJAB 1<sup>ST</sup>  
FLOOR, BLOCK B, PLOT NO.3, MADHYA MARG,  
SECTOR-18, CHANDIGARH-160018.**

Whereas appeal titled and numbered as above was filed before the Real Estate Appellate Tribunal, Punjab. As required by Section 44 (4) of the Real Estate (Regulation and Development) Act, 2016, a certified copy of the order passed in aforesaid appeal is being forwarded to you and the same may be uploaded on website.

Given under my hand and the seal of the Hon'ble Tribunal this  
22<sup>th</sup> day of December, 2020.



**REGISTRAR  
REAL ESTATE APPELLATE TRIBUNAL, PUNJAB**

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB,  
SAS NAGAR (MOHALI)  
APPEAL NO. 235 OF 2020 (O&M)  
EMAAR MGF LAND LTD.

VERSUS

KANWALJIT SINGH TALWAR

\*\*\*

Present: - Mr. Shobit Phutela, Advocate for the appellant.

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Case taken up through video conferencing.


Learned counsel for the appellant contends that since the present appeal was directed against the interim order passed by the Adjudicating Officer, RERA, Punjab which has now fructified into a final order, the present appeal has been rendered infructuous and may be disposed of as such.

Ordered accordingly.

Needless to say, that the appellant would be at liberty to file appeal against the final order.

  
JUSTICE MAHESH GROVER (RETD.)

^CHAIRMAN

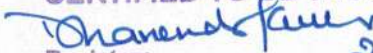
  
S.K. GARG, D & S. JUDGE (RETD.)  
MEMBER (JUDICIAL)

  
ER. ASHOK KUMAR GARG, C.E. (RETD.)  
MEMBER (ADMINISTRATIVE/TECHNICAL)

November 17, 2020

AN

CERTIFIED TO BE TRUE COPY

  
Registrar,  
Real Estate Appellate Tribunal, Punjab  
Mohali  
22-12-2020



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

Subject: -

**Appeal No. 247 of 2020**

**VIJESH JAISWAL AND ANR.**

**Versus**

**M/S SUSHMA BUILDTECH LTD.**

To,

**REAL ESTATE REGULATORY AUTHORITY, PUNJAB 1<sup>ST</sup>  
FLOOR, BLOCK B, PLOT NO.3, MADHYA MARG,  
SECTOR-18, CHANDIGARH-160018.**

Whereas appeal titled and numbered as above was filed before the Real Estate Appellate Tribunal, Punjab. As required by Section 44 (4) of the Real Estate (Regulation and Development) Act, 2016, a certified copy of the order passed in aforesaid appeal is being forwarded to you and the same may be uploaded on website.

Given under my hand and the seal of the Hon'ble Tribunal this 22<sup>th</sup> day of December, 2020.



**REGISTRAR**

**REAL ESTATE APPELLATE TRIBUNAL, PUNJAB**

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

APPEAL NO. 247 OF 2020

VIJESH JAISWAL AND ANR.

VERSUS

M/S SUSHMA BUILDTECH LTD.

\*\*\*

Present: - Mr. Ravinder Rana, Advocate for the appellant.

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Case taken up through video conferencing.

We have heard learned counsel for the appellants. The appellants aggrieved by the order dated 03.09.2020 passed by the Real Estate Regulatory Authority, Punjab, has filed the present appeal. The complaint of the appellant was accepted and noticing the delay caused by the respondent in delivering possession of the dwelling unit, the Authority granted interest for the delayed period @ 9.3% (highest MCLR rate of 7.3% applicable today + 2%) in terms of Rule 16 of the Punjab State Real Estate (Regulation and Development) Rules, 2017. It also bound down the appellants to take possession of the unit within two months and simultaneously restricted the grant of interest upto 18.01.2020 i.e. 2 months after the offer of possession.

Learned counsel for the appellants while assailing the impugned order has contended that the project is still incomplete and in support of his plea has appended certain photographs that we find on record as Annexure A-6.

The contention is that other towers of the respondent-project are incomplete and the basement as also the entry portion of the flat in which the dwelling unit of the appellants is situated has not been completed to the extent of it offering a presentable picture as is required to be done. That apart another argument has been raised that interest has not been granted in terms of the Rule 16 of the Punjab State Real Estate (Regulation and Development) Rules, 2017 as the MCLR was higher.





APPEAL NO. 247 OF 2020

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Upon consideration we are of the view that the appeal is without any merit, the appellants have been unable to establish before us that the unit was incapable of utilization after possession. Merely because attending works in the parking or certain areas in the basement and its vicinity do not suggest a desirable picture would itself not be a ground to accept the plea of the appellant that the unit is incapable of being possessed. Nothing has been shown that the amenities essential to a dwelling are not available.

The appellants could have separately raised these issues but cannot keep the possession at bay. Likewise we do not find any infirmity in the grant of interest either in the rate or in the period prescribed.

We therefore while affirming the order of the Authority dismisses the appeal with liberty to the appellant to take recourse to law if certain facilities that the developer is bound to provide to an allottee have not been provided to him.



*Sd/-*  
JUSTICE MAHESH GROVER (RETD.)  
CHAIRMAN

*Sd/-*  
S.K. GARG, D & S. JUDGE (RETD.)  
MEMBER (JUDICIAL)

*Sd/-*  
ER. ASHOK KUMAR GARG, C.E. (RETD.)  
MEMBER (ADMINISTRATIVE/ TECHNICAL)

December 02, 2020  
AN

**CERTIFIED TO BE TRUE COPY**  
*T. Anand Kumar*  
Registrar,  
Real Estate Appellate Tribunal, Punjab  
Mohali  
*22-12-2020*