

**BEFORE THE
REAL ESTATE REGULATORY AUTHORITY, PUNJAB
AT CHANDIGARH**

File No. 96/M(SG)
GC No. 13282019
Date of filing: 1.07.2019
Date of decision: 20.09.2019
PBRERA-ASR02-PR0169

Harjinder Kaur D/o Sh. Gulzar Singh, House No. 331, A Block, Ranjit Avenue, Amritsar
...Complainant

Versus

Punjab Urban Planning Development Authority (PUDA), PUDA Bhawan, Green Avenue,
Distt. Amritsar-143001.
...Respondent

Present:- Sh. Akhilesh Vyas, Advocate for the complainant.
Sh. Bhupinder Singh, Advocate for the respondent.

ORDER

The counsel for the respondent had earlier submitted a copy of order dated 09.07.2019 of this bench in the complaint titled as Gurmukh Singh Vs. PUDA in GCNo. 10632018 alongwith a copy of the minutes dated 20.09.2018 of 49th meeting of Empowered Committee (OUVGL) of PUDA. He argued that the facts of this case are exactly the same, as the complainant has asked for similar relief i.e. early possession and payment of interest for the delayed period alongwith waiving of interest already paid by the complainant.

The counsel for the complainant submitted a calculation chart and argued that the decision of the OUVGL is against the interest of the complainant. He argued that the respondent is wrongly calculating the amounts payable to the complainant and sought directions to provide a copy of the calculation sheet to each of the buyers, in the interest of transparency. He further argued that the complainant is willing to surrender the 5% rebate amount and sought payment of interest @ 12%. He also pointed out that the Cancer Cess @ 2% has been charged upon the entire basic price of the plot instead of the plot price actually paid by the complainant after adjusting 5% rebate. The counsel for the respondent conceded that the cess has been charged on the entire amount and not on the reduced price.

Various issues raised by the complainant have been already addressed by way of decision taken in the 49th meeting of the Empowered Committee (OUVGL) in which decisions regarding payment of interest, refund of interest paid by the allottees and also a specific provision for payment of 7% interest after adjusting 5% rebate given to the allottees, who had paid lump-sum 75% payment amount at the time of allotment was taken.

In view of the decision of the Empowered Committee of PUDA, a similar matter Gurmukh Singh Vs. PUDA in GCNo. 10632018 has already been disposed off


09.07.2019. Similarly, the present complaint is disposed off, without prejudice to the merits of the case. However the respondent is additionally directed to do the following:-

1. Provide a detailed calculation sheet, within 30 days, strictly as per the decision of the Empowered Committee, to the complainant and also to each of the buyers of plots in the said project, in the interest of transparency.
2. The Cancer Cess should be calculated afresh on the actual amount paid.

File be consigned to record room and copy of order be provided, free of cost, to both the complainant and the respondent. The complainant shall be free to file a fresh complaint, in case the respondent fails to comply with the decisions of Empowered Committee.

However, in respect of actual calculation of the interest payable, the complainant shall approach the Competent Authority of PUDA. In case of any grievance he shall follow the laid-down procedure, before coming to this Authority for its redressal.

Chandigarh
Dated: 20.09.2019


(SANJIV GUPTA)
Member 20/09/19
RERA, Punjab