

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

File No. 102/M(SG)
GC No. 13372019
Date of filing: 09.07.2019
Date of decision: 20.09.2019
PBRERA-ASR02-PR0169

Channd Kanwar s/o Ravinder Singh r/o A-595, Ranjit Avenue, Amritsar-143001.

...Complainant

Versus

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

...Respondent

Present:- Complainant alongwith Sh. Akhilesh Vyas, Advocate.
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 as per the decision of the Empowered Committee, the respondent is liable to refund the interest already charged on the 75% amount, as per para 2 of the order. However, the same has not been done so far and sought directions to the respondents to immediately refund the interest received from the complainant and de-linking the same from payment of interest for the delayed period which, as per the orders of the committee, shall be payable at the time of offer of possession. He further 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 on 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.
3. The interest, already approved for refund as per para 2 of the order, be paid to the complainant within 30 days of this order, failing which the respondent shall pay interest on the said amount for the period of delay after the expiry of 30 days.

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