

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

Complaint No.GC-1563 of 2020

Date of Institution 11.02.2020

Date of Decision 25.01.2021

Consolidated Maintenance Company, SCO No.197, Cabin No.4, Second Floor, Sector 16, Panchkula, Haryana 134108

....Complainant

Versus

Shikha Kumari Kainth, 802, Tower B, Palm Village, Sector 126, SAS Nagar (Mohali), Punjab – 140301

.... Respondent

Present : Shri Manoj Vashishtha, Advocate for the complainant  
Shri Parminder Singh Kainth, husband of the respondent

**ORDER**

This order will decide a complaint filed against the respondent for non payment of monthly maintenance charges by her, in violation of the agreement dated 24.03.2015 entered into between the parties.

2. It is alleged in the complaint that the respondent was an allottee of Flat No.B-802 in Tower 'B' of the real estate project 'Palm Village' developed in Mohali by M/s Bee Gee Buildtech; and upon taking possession had signed an agreement on 24.03.2015 with the complainant for payment of Rs.1.50 per sq. foot of super area as monthly maintenance charges. However, the respondent had failed to

deposit these charges and a sum of Rs.46,304/- has become due on this account, necessitating the filing of the present complaint.

3. Notice of the complaint was served upon the respondent. A reply was filed on her behalf and it is stated thereupon that due to Covid-19, her husband had lost his job and even her shop rented out to an IELTS coaching centre was also closed since March 2020. They therefore had no source of income and were unable to pay the maintenance charges.

4. The matter was earlier being heard by a single-Member Bench of the Authority, comprising of the Chairperson. Since nobody was present on 13.10.2020, arguments of Counsel for the complainant were heard and the matter was fixed for orders on 20.10.2020. Thereafter in view of the order dated 16.10.2020 passed by the High Court of Punjab and Haryana passed in CWP No.8548 of 2020 and other connected matters, the case was referred to the full Authority, and was taken up on 08.01.2021. Arguments were addressed by Counsel for the complainant. The husband of the respondent was also heard, and was also given the liberty to submit his written arguments within a week. But no arguments were submitted by him within the stipulated period.

5. Shri Manoj Vashishtha, Counsel for the complainant, reiterated the contents of the complaint. He pointed out that the factum of the respondent having purchased a flat in the project 'Palm Village', and then having entered into agreement with complainant for payment of monthly maintenance charges had been established on the record. However, the respondent had defaulted in payment of the charges and should therefore be directed to deposit the sum of Rs.46,304/- claimed upto 31.12.2019. Shri Vashishtha further pointed out that a sum of

Rs.5,788/- had become due from the respondent from 01.01.2020 till 15.02.2020 after which date the respondent had stopped provision of maintenance services at the project. He thus sought total sum of payment of Rs.52,092/- along with interest thereon.

6. We have considered these contentions and find that the documents available on file are enough to corroborate the allegations made in the complaint. The complaint can therefore safely be held to have been proved. The respondent's contentions have been carefully considered but it is held that she cannot be absolved of her contractual obligations on account of the circumstances mentioned in her reply. Her case can be considered sympathetically, but she cannot be allowed to completely deny the responsibility to pay maintenance charges.

7. As a result of above discussion, the complaint is accepted and the respondent is directed to pay a sum of Rs.52,092/- due upto 15.02.2020 along with interest thereon at the rate of 9.30% per annum (today's highest MCLR rate of 7.30% plus 2%). However, on sympathetic grounds it is directed that 50% of the above amount i.e Rs.26,046/- with interest thereon be paid within 2 months and the balance within 4 months from the date of issue of this order.

Announced

  
(Sanjiv Gupta)  
Member

  
(Navreet Singh Kang)  
Chairperson