

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB
SCO No. 95-98, Bank Square, P.F.C Building, Sector-17-B, Chandigarh

Subject: -

APPLICATION NO.24 OF 2022
AND APPEAL NO. 15 OF 2022

HARSH BEHAL

VERSUS

CHIEF ADMINISTRATOR, GMADA & OTHERS

Memo No. R.E.A.T./2022/95

To,

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

Whereas appeals 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 appeals 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
04th day of March, 2022.



Shanendra Kumar

REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

**BEFORE THE CHAIRMAN, REAL ESTATE
APPELLATE, TRIBUNAL, PUNJAB, CHANDIGARH**

MEMO OF PARTIES

Harsh Behal S/O Late Shri Shori Lai Behal, House No.12,
Block No.703, Sector 26, Chandigarh 160019.

...Appellant

Versus

1. Chief Administrator, Greater Mohali Area Development Authority Room No. 102, PUDA Bhawan Sector 62, Mohali, Punjab-160062
2. Real Estate Regulatory Authority Punjab, First Floor, Plot No.3, Block-B, Madhya Marg, Sector-18A, Chandigarh-160018.

...Respondents

3. Greater Mohali Area Development Authority Room No. 102, PUDA Bhawan Sector 62, Mohali, Punjab-160062.

Performa Respondent



(Harsh Behal)

Place: Chandigarh

Date: 07.01.2022

Appellant in Person



REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AT CHANDIGARH

APPLICATION NO.24 OF 2022
AND APPEAL NO. 15 OF 2022

HARSH BEHAL

VERSUS

CHIEF ADMINISTRATOR, GMADA & OTHERS

Present: - Mr. Harsh Behal, appellant in person.

Case taken up through video conferencing.

This appeal is directed against the order dated 24.03.2021, where the grievance of the appellant regarding grant of interest on account of delayed possession was answered in the affirmative, granting him interest as per the provisions of Section 18(1) of the Real Estate (Regulation and Development) Act, 2016 read with Rule 16 of the Real Estate (Regulation and Development) Rules, 2017.

The appellant while appearing in person, contends that the interest prescribed in the Rules, would not relate to the grievance contained in Section 18(1)(a) of the Act and would rather relate to other portion of Section 18 of the Act. He further states that the State is indeed empowered to make Rules under Section 84 of the Act but a perusal of the Section 84 and Section 18(1) of the Act, leaves no manner of doubt that it is intended to cover only the grievance contained in Section 18(2) and not in Section 18(1), wherein the case of the appellant falls.



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We have heard the appellant at some length and are of the opinion that the argument is totally misplaced. The Government has by framing Rule 16 of the Rules provided the rate of interest to be applied in the matters of grant of interest accompanying other monetary reliefs as may be claimed by a disgruntled allottee. There is no such distinction, as the one suggested by the appellant in his argument and since this is the only argument raised, the same is repelled, being sans any legitimate foundation. The relief as prayed for by the appellant has been granted by the Authority.

No other argument has been raised and consequently we find the appeal to be without any merit and dismiss it.



We may note here, that against this very impugned order, an appeal preferred by the respondent also stands dismissed already.

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However, the delay in filing the appeal stands
condoned in view of the observations made by the Hon'ble Supreme
Court in *Suo Motu Writ Petition (Civil) No. 3 of 2020*.

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)

February 17, 2022
AN



Certified To Be True Copy

Shanend Kumar
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh

04/03/2022