

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

Subject: -

APPEAL NO.112 OF 2021

VINOD KUMAR AND ANR.

VERSUS

BATHINDA DEVELOPMENT AUTHORITY AND ANR.

Memo No. R.E.A.T./2022/ 157

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 April, 2022.

REGISTRAR
REAL ESTATE APPELLATE TRIBUNAL, PUNJAB



**IN THE PUNJAB STATE REAL ESTATE APPELLATE
TRIBUNAL**

SCO 95-98, Bank Square, Sector 17-B, Chandigarh - 160017

Appeal No 112 of 2021

Memo Of Parties

1. Vinod Kumar Son of Sohan Lal, ward no 10, yog
Nagar Budhlada, Mansa, Punjab 151502
2. Sanjiv Kumar @ Sanjeev Kumar Son of Sohan Lal,
ward no 10, yog Nagar Budhlada, Mansa, Punjab
151502

...Appellants

Versus

1. Bathinda Development Authority Through its Chief
Administator PUDA Complex, Bhagu Road,
Bathinda, Punjab.151001
2. Estate Officer, PUDA, PUDA Complex, Bhagu Road,
District Bathinda, Punjab. 151001

...Respondent

Chandigarh

Dated: 11.10.2021




(VANSH MALHOTRA)

P/1248/2008

Advocate

Counsel for the Appellant

M. 9812005654,

vanshmalhotra@live.com

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AT CHANDIGARH

APPEAL NO.112 OF 2021

VINOD KUMAR AND ANR.

VERSUS

BATHINDA DEVELOPMENT AUTHORITY AND ANR.

Present: -Mr. Vansh Malhotra Advocate for the appellants.
Mr. Bhupinder Singh, Advocate for the respondents.

ORDER:-

1. This appeal is directed against the impugned order dated 06.08.2021 passed by the Real Estate Regulatory Authority, Punjab (hereinafter referred to as the Authority).
2. A complaint was initiated under Section 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the Act) with a plea that the appellants, applied for plot of 500 sq. yard in the project 'PUDA Enclave (Sugar Mill Site)', to be developed by respondents. A amount of Rs. 3 lakh (10% of the sale price) was deposited.
3. In the draw of lots, held in January, 2013, the appellants were declared successful and a letter of intent was issued on 26.02.2013, requiring a deposit of another 15% of the sale



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price, which the appellants paid. A total amount of Rs.7.50 lakhs, was thus paid in this manner, whereafter, the appellants failed to abide by the schedule of the payment envisaged in the allotment letter.

4. Possession of the plot was offered to the appellants on 19.03.2018 but the grievance of the appellants is that the development works had not been completed. The predecessor-in-interest of the appellants died on 05.02.2019 and the plot was agreed to be transferred in the name of the appellants. But still the payments as visualized in the letter of allotment were not paid.
5. The present complaint was initiated by the appellants, seeking a direction to the respondents to complete the project and provide all amenities thereof and demanding an interest from the respondents on the amount of Rs.7.5 lacks deposited by the allottee.



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6. A further prayer was made that penalty, surcharge, extension fee etc. be not charged from the appellants.
7. The respondents disputed the claim of the appellants and asserted that development works stood completed in the year 2018 and the possession offered on 19.03.2018, which the appellants failed to honour. The amount as demanded was never paid after the initial deposit of 10 ^{plus say} to 15 per cent.
8. The Authority after evaluating the grievance of the appellants concluded that there was no material to indicate the correctness of assertions made by the appellants regarding non-completion of the development works. It also noticed the default of the appellants in making payments and eventually declined interference, vide the impugned order, which is now the grievance of the appellants, who contends that the impugned order is erroneous as letters on record would indicate non-completion of works in the year March, 2018,



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rendering the offer of possession illusory, thereby liberating the appellants of any consequences of a default in payments, besides entitling him to interest on the amount of Rs.7.5 lacs deposited by him with the respondents.

9. Learned counsel for the respondents on the other hand refers the same document on record dated 04.12.18 (Page 119-A) of the paper-book and contends that there is a complete misreading by the appellant since this merely talks of a decision not to levy interest upon the allottees upto 01.03.2018, since the development works were ongoing earlier, when the payment schedule was operating. It does not in any way indicate that the development works were not complete in the year 2018.

10. The Authority has noticed the lack of material in this regard and we have no hesitation in affirming this view, since, nothing has been brought to our notice regarding non-completion of



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the works. Rather what stands out in the entire evaluation of facts is the glaring default of the appellants in not depositing the amount as per the schedule. His bald assertion that he did not obliged to make payments on account of lack of development works is hard to accept for lack of supportive material in this regard.

11. We thus do not find any reason to interfere with the well reasoned order of the Authority and consequently dismiss the appeal.
12. Dismissed. Files be consigned to record room.

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)

March 24, 2022
AN



Certified To Be True Copy

[Signature]
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh

04/04/2022