

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

Subject: -

APPEAL NO.215 OF 2022

Estate Officer, Patiala Urban Planning and Development Authority,
Urban Estate II, Patiala, District Patiala

...Appellant

Versus

1. Jaswinder Singh, F-36, PDA Omaxe City, Patiala, District Patiala, Punjab
2. Gurpreet Singh, House No. 454/3, Khalsa Mohalla, Patiala, District Patiala, Punjab.
3. Real Estate Regulatory Authority, Punjab, First Floor, Plot No. 03, Block B, Madhya Marg, Sector-18 A, Chandigarh-160018.

....Respondents

APPEAL NO.216 OF 2022

Estate Officer, Patiala Urban Planning and Development Authority,
Urban Estate II, Patiala, District Patiala

...Appellant

Versus

1. Anil Arora
2. Raj Rani, and
3. Sukhman Sidhu,
All at House No.4, Siri Niwas Colony, Patiala, District, Patiala, Punjab
4. Real Estate Regulatory Authority, Punjab, First Floor, Plot No. 03, Block B, Madhya Marg, Sector-18 A, Chandigarh-160018.

....Respondents

APPEAL NO.217 OF 2022

Estate Officer, Patiala Urban Planning and Development Authority,
Urban Estate II, Patiala, District Patiala

...Appellant

Versus

1. Harkaran Singh Nehal, House No. 3008, Phase II, Urban Estate, Patiala, Punjab.



2. Real Estate Regulatory Authority, Punjab, First Floor, Plot No. 03, Block B, Madhya Marg, Sector-18 A, Chandigarh-160018.

....Respondents

APPEAL NO.218 OF 2022

Estate Officer, Patiala Urban Planning and Development Authority,
Urban Estate II, Patiala, District Patiala

...Appellant

Versus

1. Maninder Kaur, House No. 3008, Phase II, Urban Estate, Patiala, District Patiala, Punjab.
2. Real Estate Regulatory Authority, Punjab, First Floor, Plot No. 03, Block B, Madhya Marg, Sector-18 A, Chandigarh-160018.

....Respondents

Memo No. R.E.A.T./2023/14

To,

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

Whereas appeal titled and numbered as above ^{eye} was ^{DK} 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 appeal 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 09th day of January, 2023.



Dhanendra Kumar

REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

**IN THE HON'BLE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB
AT CHANDIGARH**

Appeal No. 215 of 2022

MEMO OF PARTIES

Estate officer, Patiala urban Planning and Development Authority,
Urban Estate-II, Patiala, District Patiala.

.....Appellant

V E R S U S

1. Jaswinder Singh, F-36, PDA Omaxe City, Patiala, District Patiala,
Punjab.

2. Gurpreet Singh, House No. 454/3, Khalsa Mohalla, Patiala, District
Patiala, Punjab.

3. Real Estate Regulatory Authority, Punjab, First Floor, Plot No.3,
Block-B, Madhya Marg, Sector 18-A, Chandigarh - 160018.

....Respondents



(ASHISH GROVER)
ADVOCATE FOR THE APPELLANT
ENRL. No.P/671/1991

**IN THE HON'BLE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB
AT CHANDIGARH**

Appeal No. 216 of 2022

MEMO OF PARTIES

Estate officer, Patiala urban Planning and Development Authority,
Urban Estate-II, Patiala, District Patiala.

.....Appellant

V E R S U S

1. Anil Arora

2. Raj Rani, and

3. Sukhman Sidhu,


All at House No.4, Siri Niwas Colony, Patiala, District Patiala,
Punjab.

4. Real Estate Regulatory Authority, Punjab, First Floor, Plot No.3,
Block-B, Madhya Marg, Sector 18-A, Chandigarh – 160018.

....Respondents



CHANDIGARH
DATED: 14.12.2022


(ASHISH GROVER)
ADVOCATE FOR THE APPELLANT
ENRL. No.P/671/1991

**IN THE HON'BLE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB
AT CHANDIGARH**

Appeal No. 217 of 2022

MEMO OF PARTIES

Estate officer, Patiala urban Planning and Development Authority,
Urban Estate-II, Patiala, District Patiala.

.....Appellant

V E R S U S

1. Harkaran Singh Nehal, House No. 3008, Phase-II, Urban Estate,
Patiala, District Patiala, Punjab.

2. Real Estate Regulatory Authority, Punjab, First Floor, Plot No.3,
Block-B, Madhya Marg, Sector 18-A, Chandigarh – 160018.

....Respondents

CHANDIGARH
DATED: 14.12.2022


(ASHISH GROVER)
ADVOCATE FOR THE APPELLANT
ENRL. NO.P/671/1991



**IN THE HON'BLE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB
AT CHANDIGARH**

Appeal No. 218 of 2022

MEMO OF PARTIES

Estate officer, Patiala urban Planning and Development Authority,
Urban Estate-II, Patiala, District Patiala.


.....Appellant

V E R S U S

1. Maninder Kaur House No. 3008, Phase-II, Urban Estate, Patiala,
District Patiala, Punjab.
2. Real Estate Regulatory Authority, Punjab, First Floor, Plot No.3,
Block-B, Madhya Marg, Sector 18-A, Chandigarh - 160018.

....Respondents

CHANDIGARH
DATED: 14.12.2022


(ASHISH GROVER)
ADVOCATE FOR THE APPELLANT
ENRL. No.P/671/1991



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

APPEAL NO.215 OF 2022

Estate Officer, Patiala Urban Planning and Development
Authority, Urban Estate II, Patiala, District Patiala

...Appellant

Versus

1. Jaswinder Singh, F-36, PDA Omaxe City, Patiala, District Patiala, Punjab
2. Gurpreet Singh, House No. 454/3, Khalsa Mohalla, Patiala, District Patiala, Punjab.
3. Real Estate Regulatory Authority, Punjab, First Floor, Plot No. 03, Block B, Madhya Marg, Sector-18 A, Chandigarh-160018.

....Respondents

APPEAL NO.216 OF 2022

Estate Officer, Patiala Urban Planning and Development
Authority, Urban Estate II, Patiala, District Patiala

...Appellant

Versus

1. Anil Arora
2. Raj Rani, and
3. Sukhman Sidhu,
All at House No.4, Siri Niwas Colony, Patiala, District, Patiala,
Punjab
4. Real Estate Regulatory Authority, Punjab, First Floor, Plot No. 03, Block B, Madhya Marg, Sector-18 A, Chandigarh-160018.

....Respondents



Appeal No. 215 of 2022, Appeal No. 216 of 2022, Appeal No. 217
of 2022 and Appeal No. 218 of 2022

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APPEAL NO.217 OF 2022

Estate Officer, Patiala Urban Planning and Development
Authority, Urban Estate II, Patiala, District Patiala

...Appellant

Versus

1. Harkaran Singh Nehal, House No. 3008, Phase II, Urban
Estate, Patiala, Punjab.
2. Real Estate Regulatory Authority, Punjab, First Floor, Plot No.
03, Block B, Madhya Marg, Sector-18 A, Chandigarh-160018.

....Respondents

APPEAL NO.218 OF 2022

Estate Officer, Patiala Urban Planning and Development
Authority, Urban Estate II, Patiala, District Patiala

...Appellant

Versus

1. Maninder Kaur, House No. 3008, Phase II, Urban Estate,
Patiala, District Patiala, Punjab.
2. Real Estate Regulatory Authority, Punjab, First Floor, Plot No.
03, Block B, Madhya Marg, Sector-18 A, Chandigarh-160018.

....Respondents

Present: Mr. Ashish Grover, Advocate for the appellant.



CORAM:

JUSTICE MAHESH GROVER (RETD.), CHAIRMAN
SH. S.K. GARG DISTT. & SESSIONS JUDGE
(RETD.), MEMBER (JUDICIAL)

ER. ASHOK KUMAR GARG, CHIEF ENGINEER
(RETD.), MEMBER (ADMN./ TECH.)

JUDGMENT: (JUSTICE MAHESH GROVER (RETD.), CHAIRMAN)

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of 2022 and Appeal No. 218 of 2022

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1. By this common order we will dispose of the following appeals i.e. Appeal No. 215 of 2022 (Estate Officer, Patiala Vs. Jaswinder Singh and Ors.); Appeal No. 216 of 2022 (Estate Officer, Patiala Vs. Anil Arora and Ors.); Appeal No. 217 of 2022 (Estate Officer, Patiala Vs. Harkaran Singh Nehal and Anr.) and Appeal No. 218 of 2022 (Estate Officer, Patiala Vs. Maninder Kaur and Anr.) as they involve common questions of law and facts.

2. The appeals are directed against the order ^{dttd. 31.05.2021} of the Real Estate Regulatory Authority, Punjab (hereinafter known as the Authority). The appellant is the developer and shall hereinafter be known as such, while the respondents are the complainants and would also be referred to as such. *Say*

3. The complainants responded to a scheme floated by the developer which in turn was a part of a larger scheme floated by the State Government known as the 'Optimum Utilization of Vacant Government Land'.

4. The other details of the scheme may not be essential for the purposes of disposal of the present appeals but it is essential to note down the basic facts i.e., of all the complainants aspiring for a commercial site to be allotted by way of auction held on 27.04.2016. The complainants



were the highest bidders and in accordance with the requirement deposited 25% of the bid amount. The scheme failed to take off on account of various contingencies including a decision by the Hon'ble Punjab and Haryana High Court as a consequence of which the developer could not carry out any type of development activity in the chosen area as it fell within the definition of a protected monument under the relevant statute. The developer refunded the amount deposited by the complainants pursuant to the auction, but did not grant any interest to the complainants, which prompted them to file a consolidated complaint before the Authority in Form M for grant of interest and for grant of compensation. These were then segregated and separately dealt with by the Authority and the Adjudicating Officer.

5. The proceedings resulting from the grievance regarding compensation is not before us in appeals but we have been informed that the Adjudicating Officer declined to grant the prayers of the complainants in those matters.



6. Be that as it may the grievance of the developer now is that the interest could not have been granted to the complainants as done by the Authority since the circumstances that intervened after the auction were

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of 2022 and Appeal No. 218 of 2022

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beyond its control and further that the amount had been refunded to the complainants of the developer's own volition.

7. It has been argued by the learned counsel for the appellant that the judgment in **M/s Newtech Promoters and Developers Pvt. Ltd Vs. State of UP and others** envisaged in Para 86 that only a composite complaint can be preferred for refund of amount and interest and if the refund has already been made then the complaint for grant of interest alone cannot be maintained. He however concedes that a prayer of compensation could have been maintained by the complainants but since the same stands dismissed, the order of the Authority granting interest by virtue of the impugned order was unsustainable in the eyes of law.
8. We have heard learned counsel for the developer and are unable to persuade ourselves to the proposition propounded by him. Neither the bare reading of the provisions of the Act (Section 18) nor the judgment in question remotely support the contention of the learned counsel for the developer. Even if the amount has been refunded by the developer to the complainants on his own it cannot preclude the complainants from claiming interest when the developer has retained this amount



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and deprived the complainants of any benefit. The statutory benefits necessarily have to flow to the complainants.

9. The impugned order allowing statutory interest to the complainants cannot hence be faulted with and the appeals are thus held to be without any merit and dismissed as such.

Files be consigned to the 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)

January 02, 2023
DS

Certified To Be True Copy
Shanand Kumar
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh

09/01/2023