

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

Subject: -

APPEAL NO. 20 of 2023

Estate Officer, Punjab Urban Planning and Development Authority,
(PUDA/GLADA) Complex, Ferozepur Road, Ludhiana-141001

...Appellant

Versus

Kulbhushan Khanna, House No.201-P, MDC, Sector-4, Panchkula,
Haryana-134114

....Respondent/Complainant

Appeal No.21 of 2023

Estate Officer, Punjab Urban Planning and Development Authority,
(PUDA/GLADA) Complex, Ferozepur Road, Ludhiana-141001

...Appellant

Versus

Kulbhushan Khanna, House No.201-P, MDC, Sector-4, Panchkula,
Haryana-134114

....Respondent/Complainant

Appeal No.22 of 2023

Estate Officer, Punjab Urban Planning and Development Authority,
(PUDA/GLADA) Complex, Ferozepur Road, Ludhiana-141001

...Appellant

Versus

Kulbhushan Khanna, House No.201-P, MDC, Sector-4, Panchkula,
Haryana-134114

....Respondent/Complainant

Appeal No.23 of 2023

Estate Officer, Punjab Urban Planning and Development Authority,
(PUDA/GLADA) Complex, Ferozepur Road, Ludhiana-141001

...Appellant

Versus

Kulbhushan Khanna, House No.201-P, MDC, Sector-4, Panchkula,
Haryana-134114

....Respondent/Complainant



Appeal No.24 of 2023

Estate Officer, Punjab Urban Planning and Development Authority,
(PUDA/GLADA) Complex, Ferozepur Road, Ludhiana-141001

...Appellant

Versus

Kulbhushan Khanna, House No.201-P, MDC, Sector-4, Panchkula,
Haryana-134114

....Respondent/Complainant

Memo No. R.E.A.T./2024/ 80

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 were 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 26th day of
February, 2024.

Shaninder Fauz

REGISTRAR
REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

BEFORE THE CHAIRMAN, REAL ESTATE APPELLATE
Tribunal, PUNJAB, Sector-17, Chandigarh

Estate Officer, Punjab Urban Planning and
Development Authority. ... Appellant

Versus

Kulbhushan Khanna.

... Respondent

MEMO OF PARTIES

Estate Officer, Punjab Urban Planning and
Development Authority, (PUDA/GLADA), GLADA
Complex, Ferozepur Road, Ludhiana-141001.
... Appellant.


Versus

Kulbhushan Khanna, House No. 201-P, MDC, Sector-4,
Panchkula, Haryana-134114.

... Respondent

Place: Chandigarh

Date: 5/5/23


Bhupinder Singh & Balwinder Singh
Advocates
Counsel for the Appellant



BEFORE THE CHAIRMAN, REAL ESTATE APPELLATE
TROBUNAL, PUNJAB, Sector-17, Chandigarh

Estate Officer, Punjab Urban Planning and
Development Authority. ... Appellant

Versus

Kulbhushan Khanna.

... Respondent

MEMO OF PARTIES

Estate Officer, Punjab Urban Planning and
Development Authority, (PUDA/GLADA), GLADA
Complex, Ferozpur Road, Ludhiana-141001.
... Appellant.

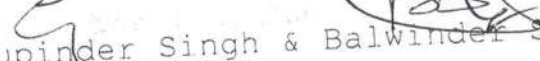
Versus

Kulbhushan Khanna, House No. 201-P, MDC, Sector-4,
Panchkula, Haryana-134114.

... Respondent

Place: Chandigarh

Date: 05.05.2023


Bhupinder Singh & Balwinder Singh
Advocates
Counsel for the Appellant



BEFORE THE CHAIRMAN, REAL ESTATE APPELLATE
TROBUNAL, PUNJAB, Sector-17, Chandigarh

Estate Officer, Punjab Urban Planning and
Development Authority. ... Appellant

Versus

Kulbhushan Khanna.

... Respondent

MEMO OF PARTIES

Estate Officer, Punjab Urban Planning and
Development Authority, (PUDA/GLADA), GLADA
Complex, Ferozpur Road, Ludhiana-141001.
... Appellant.

Versus

Kulbhushan Khanna, House No. 201-P, MDC, Sector-4,
Panchkula, Haryana-134114.

... Respondent

Place: Chandigarh
Date: 05.05.2023

Bhupinder Singh & Balwinder Singh
Advocates
Counsel for the Appellant



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**BEFORE THE CHAIRMAN, REAL ESTATE APPELLATE
TROBUNAL, PUNJAB, Sector-17, Chandigarh**

Estate Officer, Punjab Urban Planning and
Development Authority. ... Appellant

Versus

Kulbhusan Khanna.

...Respondent

MEMO OF PARTIES


Estate Officer, Punjab Urban Planning and
Development Authority, (PUDA/GLADA), GLADA
Complex, Ferozepur Road, Ludhiana-141001.
...Appellant.

Versus

Kulbhusan Khanna, House No. 201-P, MDC, Sector-4,
Panchkula, Haryana-134114.
...Respondent

Place:

Date: 4.6.57.97


Bhupinder Singh & Balwinder Singh
Advocates
Counsel for the Appellant



BEFORE THE CHAIRMAN, REAL ESTATE APPELLATE
Tribunal, PUNJAB, Sector-17, Chandigarh

Estate Officer, Punjab Urban Planning and
Development Authority. ... Appellant

Versus

Kulbhushan Khanna.

... Respondent

MEMO OF PARTIES

Estate Officer, Punjab Urban Planning and
Development Authority, (PUDA/GLADA), GLADA
Complex, Ferozepur Road, Ludhiana-141001.

... Appellant.

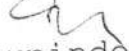
Versus

Kulbhushan Khanna, House No. 201-P, MDC, Sector-4,
Panchkula, Haryana-134114.

... Respondent

Place: Chandigarh

Date: 5/5/23

 Bhupinder Singh & Balwinder Singh
Advocates

Counsel for the Appellant



REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AT CHANDIGARH

APPLICATION NO.62 OF 2023 AND APPEAL NO. 20 OF 2023 ESTATE OFFICER, PUNJAB URBAN PLANNING & DEVELOPMENT AUTHORITY, (PUDA/GLADA) VERSUS KULBHUSHAN KHANNA	APPLICATION NO.63 OF 2023 AND APPEAL NO. 21 OF 2023 ESTATE OFFICER, PUNJAB URBAN PLANNING & DEVELOPMENT AUTHORITY, (PUDA/GLADA) VERSUS KULBHUSHAN KHANNA
APPLICATION NO.64 OF 2023 AND APPEAL NO. 22 OF 2023 ESTATE OFFICER, PUNJAB URBAN PLANNING & DEVELOPMENT AUTHORITY, (PUDA/GLADA) VERSUS KULBHUSHAN KHANNA	APPLICATION NO.65 OF 2023 AND APPEAL NO. 23 OF 2023 ESTATE OFFICER, PUNJAB URBAN PLANNING & DEVELOPMENT AUTHORITY, (PUDA/GLADA) VERSUS KULBHUSHAN KHANNA
APPLICATION NO.66 OF 2023 AND APPEAL NO. 24 OF 2023 ESTATE OFFICER, PUNJAB URBAN PLANNING & DEVELOPMENT AUTHORITY, (PUDA/GLADA) VERSUS KULBHUSHAN KHANNA	

Present:- Mr. Balwinder Singh along with Mr. Bhupinder Singh,
Advocate for the appellant
Mr. Varun Katyal, Advocate for respondent
Mr. Kulbhushan Khanna (In Person)

The appellant-Punjab Urban Development Authority is
in appeal against the order dated 27.10.2022 passed by the Real Estate
Regulatory Authority (hereinafter known as the Authority).

The grievance is limited to the observations contained in
Para No.7 of the Order which is extracted hereinbelow:-

*"I am of the view that the due date for offering
possession should be taken on 07.09.2014 in Complaint
No.0001/21 dated 28.08.2014 in remaining four
complaints (i.e. 18 months from the date of issue of the
letter of intent)."*

The contention of the learned counsel for the appellant is
that there has been a complete misleading of the relevant clause in the



letter of intent. Our attention has been drawn to Clause 12 of the letter of intent which reads as follows:-

"Possession of plots shall be handed over to the allottee after completion of development work at site or 18 months from the date of issue of allotment letter whichever is earlier."

On the basis of the above it is contended that even the letter of intent contemplates that possession has to be given either after completion of development works at the site or 18 months from the date of issuance of allotment letter whichever is earlier, and if that be so then the observations made by the Authority assigning a date of 18 months from the date of issuance of letter of intent is erroneous.

Upon consideration the contention of the appellant, merits acceptance in view of the Clause 12 of letter of intent which lays down unambiguously that 18 months are to be construed from the date of issuance of allotment letter and not from the letter of intent.

We therefore, modify the impugned order and while the benefit of refund would remain unaltered, the rate of interest would be determined and flow to the appellants from a date, i.e. 18 months of the issuance of allotment letter in each of the complaints. With the aforesaid modifications the appeals are disposed of.

Photocopy of this order be placed in connected cases.

Sdt
JUSTICE MAHESH GROVER (RETD.)
CHAIRMAN

Sdt
S.K. GARG, D & S. JUDGE (RETD.)
MEMBER (JUDICIAL)

February 22, 2024
SR

Certified To Be True Copy
Dhanraj Kumar
Registrar
Real Estate Appellate Tribunal Punjab
Handloarh

26/02/2024

