

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

Subject: -

APPEAL NO.01 of 2024

M/s TDI Infratech Ltd., through its Managing Director, SCO 678-679,
Airport Road, Sector 119, TDI Smart City, Mohali Sahibzada Ajit Singh
Nagar, (Mohali), Punjab 140307

...Appellants

Versus

1. Surinderjot Kaur Wife of Manpreet Singh Luggani # FF 1540-B,
Connaught Residency, Sector 74A, SAS Nagar, Sahibzada Ajit
Singh Nagar, (Mohali), Punjab 140307
2. Manpreet Singh # FF 1540-B, Connaught Residency, Sector 74A,
SAS Nagar, Sahibzada Ajit Singh Nagar, (Mohali), Punjab-140307
3. State Bank of India through its General Manager, SBI RACPC
Mohali, Plot No.89, Ground Floor, Building-SBI Administrative
Office, Near Municipal Corporation Office, Sector 68, Sahibzada
Ajit Singh Nagar, (Mohali) Punjab-160062

....Respondents

APPEAL NO.02 of 2024

M/s TDI Infratech Ltd., through its Managing Director, SCO 678-679,
Airport Road, Sector 119, TDI Smart City, Mohali Sahibzada Ajit Singh
Nagar, (Mohali), Punjab 140307

...Appellants

Versus

1. Harvinder Singh Cheema son of Sukhdev Singh Cheema, # FF
1541, Connaught Residency, Sector 74A, Sahibzada Ajit Nagar,
(Mohali), Punjab-140307
2. Virpal Kaur Cheema wife of Harvinder Singh Cheema, # FF 1541,
Connaught Residency, Sector 74A, Sahibzada Ajit Nagar, (Mohali),
Punjab-140307.
3. State Bank of India through its General Manager, SBI Head Officer,
Sector 17-B, Chandigarh-160017

....Respondents



APPEAL NO.03 of 2024

M/s TDI Infratech Ltd., through its Managing Director, SCO 678-679,
Airport Road, Sector 119, TDI Smart City, Mohali Sahibzada Ajit Singh
Nagar, (Mohali), Punjab 140307

...Appellants

Versus

1. Uma Rana Wife of Rajinder Singh Rana # FF 1541, Connaught Residency, Sector 74A, Sahibzada Ajit Nagar, (Mohali), Punjab-140307.
2. Rajinder Singh Rana son of Daya Ram Rana, # FF 1541, Connaught Residency, Sector 74A, Sahibzada Ajit Nagar, (Mohali), Punjab-140307.
3. LIC Housing Finance Ltd., through its Branch Manager, SCO 533, First Floor, Sector 70, Sahibzada Ajit Singh Nagar, (Mohali), Punjab-160071

....Respondents



Memo No. R.E.A.T./2025/ 08

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 for uploading the same on website.

Given under my hand and the seal of the Hon'ble Tribunal this **10th day of January, 2025.**

Shanendra Kumar
REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

MEMO OF PARTIES

M/s TDI Infratech Ltd., through its Managing Director, SCO 678-679, Airport road, Sector 119, TDI Smart City, Sahibzada Ajit Singh Nagar, (Mohali), Punjab, 140307.

...Appellant

Versus



I. Surinderjot Kaur Wife of Manpreet Singh Luggani # FF 1540-B, Connaught Residency, Sector 74A, SAS Nagar, Sahibzada Ajit Singh Nagar, (Mohali), Punjab 140307.

II. Manpreet Singh # FF 1540-B, Connaught Residency, Sector 74A, SAS Nagar, Sahibzada Ajit Singh Nagar, (Mohali), Punjab 140307.

III. State Bank of India through its General Manager, SBI RACPC Mohali, Plot no 89, Ground Floor, Building-SBI Administrative Office, Near Municipal Corporation Office, Sector 68, Sahibzada Ajit Singh Nagar, (Mohali), Punjab-160062.

...Respondents

DATE: 02/09/23

Puneet Tuli

Advocate

COUNSEL FOR THE APPELLANT

Re-filing: 19/12/23
Date of filing: 19/12/23
Date of receipt by registrar: 19/12/23
Appeal No. 0 of 2024
Signature: Kamla
Registrar: _____

BEFORE THE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

Appeal No. 02 of 2024

MEMO OF PARTIES

M/s TDI Infratech Ltd., through its Managing Director, SCO 678-679, Airport road, Sector 119, TDI Smart City, Sahibzada Ajit Singh Nagar, (Mohali), Punjab, 140307.

...Appellant

Versus



Harvinder Singh Cheema Son of Sukhdev Singh Cheema # FF 1541, Connaught Residency, Sector 74A, Sahibzada Ajit Singh Nagar, (Mohali), Punjab 140307.

II. Virpal Kaur Cheema wife of Harvinder Singh Cheema # FF 1541, Connaught Residency, Sector 74A, Sahibzada Ajit Singh Nagar, (Mohali), Punjab 140307.

III. State Bank of India through its General Manager, SBI Head Office, Sector 17-B, Chandigarh 160017.

...Respondents

DATE:- 02/09/23

Puneet Tuli

Puneet Tuli

Advocate

COUNSEL FOR THE APPELLANT

Re-Appeal
Date of Filing 02/12/23/593
Date of Receipt by post 02/12/23
Appeal No. 02 of 2024
Signature Kamla
Registrar _____

MEMO OF PARTIES

M/s TDI Infratech Ltd., through its Managing Director, SCO 678-679, Airport road, Sector 119, TDI Smart City, Sahibzada Ajit Singh Nagar, (Mohali), Punjab, 140307.

...Appellant

Versus

I. Uma Rana Wife of Rajinder Singh Rana # FF 1545, Connaught Residency, Sector 74A, SAS Nagar, Sahibzada Ajit Singh Nagar, (Mohali), Punjab 140307.



Rajinder Singh Rana son of Daya Ram Rana # FF 1545, Connaught Residency, Sector 74A, SAS Nagar, Sahibzada Ajit Singh Nagar, (Mohali), Punjab 140307.

III. LIC Housing Finance Ltd., through its branch Manager, SCO 533, First Floor, Sector 70, Sahibzada Ajit Singh Nagar, (Mohali), Punjab 160071..

...Respondents

DATE: 11/09/23

Puneet Tuli

Puneet Tuli

Advocate

COUNSEL FOR THE APPELLANT

Refilled
Date of Filing 19/12/2023/595
Date of Receipt by me [Signature]
Appeal No. 03/2024
Signature Kamla
Registrar _____

THE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AT CHANDIGARH

APPEAL NO.01 of 2024

M/s TDI Infratech Ltd., through its Managing Director, SCO 678-679,
Airport Road, Sector 119, TDI Smart City, Mohali Sahibzada Ajit Singh
Nagar, (Mohali), Punjab 140307

...Appellants

Versus

1. Surinderjot Kaur Wife of Manpreet Singh Luggani # FF 1540-B,
Connaught Residency, Sector 74A, SAS Nagar, Sahibzada Ajit
Singh Nagar, (Mohali), Punjab 140307
2. Manpreet Singh # FF 1540-B, Connaught Residency, Sector 74A,
SAS Nagar, Sahibzada Ajit Singh Nagar, (Mohali), Punjab-140307
3. State Bank of India through its General Manager, SBI RACPC
Mohali, Plot No.89, Ground Floor, Building-SBI Administrative
Office, Near Municipal Corporation Office, Sector 68, Sahibzada
Ajit Singh Nagar, (Mohali) Punjab-160062.

....Respondents

APPEAL NO.02 of 2024

M/s TDI Infratech Ltd., through its Managing Director, SCO 678-679,
Airport Road, Sector 119, TDI Smart City, Mohali Sahibzada Ajit Singh
Nagar, (Mohali), Punjab 140307

...Appellants

Versus

1. Harvinder Singh Cheema son of Sukhdev Singh Cheema, # FF
1541, Connaught Residency, Sector 74A, Sahibzada Ajit Nagar,
(Mohali), Punjab-140307
2. Virpal Kaur Cheema wife of Harvinder Singh Cheema, # FF 1541,
Connaught Residency, Sector 74A, Sahibzada Ajit Nagar, (Mohali),
Punjab-140307.
3. State Bank of India through its General Manager, SBI Head Officer,
Sector 17-B, Chandigarh-160017

....Respondents



APPEAL No.01, 02 AND 03 OF 2024

2

APPEAL NO.03 of 2024

M/s TDI Infratech Ltd., through its Managing Director, SCO 678-679,
Airport Road, Sector 119, TDI Smart City, Mohali Sahibzada Ajit Singh
Nagar, (Mohali), Punjab 140307

...Appellants

Versus

1. Uma Rana Wife of Rajinder Singh Rana # FF 1541, Connaught Residency, Sector 74A, Sahibzada Ajit Nagar, (Mohali), Punjab-140307.
2. Rajinder Singh Rana son of Daya Ram Rana, # FF 1541, Connaught Residency, Sector 74A, Sahibzada Ajit Nagar, (Mohali), Punjab-140307.
3. LIC Housing Finance Ltd., through its Branch Manager, SCO 533, First Floor, Sector 70, Sahibzada Ajit Singh Nagar, (Mohali), Punjab-160071

....Respondents

Present: - Mr. Vipul Sachdeva, Advocate for Respondent No.1 and 2
Mr. Nitin Gupta, Advocate for Respondent no.3 in Appeal No.2
Mr. Sukhbir Singh Sawhney, Advocate for the Respondent No.3 in Appeal No.3

QUORUM: SH. S.K. GARG DISTT. & SESSIONS JUDGE (RETD.), MEMBER (JUDICIAL)

DR. SIMMI GUPTA, IRS (IT), CHIEF COMMISSIONER OF INCOME TAX (RETD.) MEMBER (TECH./ADMN.)

JUDGMENT: DR. SIMMI GUPTA, IRS (IT), CHIEF COMMISSIONER OF INCOME TAX (RETD.) MEMBER (TECH./ADMN.) (ORAL)

ISSUE

1. The appellant has filed an appeal against the order of the Real Estate Regulatory Authority, Punjab (known as Authority) allowing interest under Section 18(1) for the period mentioned in the order of Authority on account of delay in possession.

2. The appellant has claimed that the respondent had not made the payment as per the construction linked plan and there was delay in payment of the installments. It was also claimed by the appellant that the purpose of purchase of the residential unit was to earn profit in the project and not for a self-use. The appellant also relied upon the adverse situation created as a result of COVID which had adversely impacted the ground situation during the period and had resulted in delay in construction and in the possession.
3. Another issue raised by the appellant was that, as the complainant had already taken possession of the Unit she was no longer an allottee and therefore not covered under the provisions of RERA Act.
4. The Respondent on the other hand relied upon the decision of the RERA, Punjab and the fact that there was a substantial delay in handing over the Unit and as such they were entitled for interest under Section 18(1) which has been allowed by Real Estate Regulatory Authority, Punjab and there was no cause for any change in the decision of the RERA.



Decision

1. We have considered the arguments of both the parties as well the decision of RERA, Punjab it is an admitted fact that there is delay in offering valid possession of the unit which was to be handed over as per agreement mentioned in the order of Authority but the offer for possession has been made after due date. Therefore, the Ld. Authority has rightly directed the appellant to pay interest as per provisions of Rule 16 of the Act for the delayed period. So far as the contention of the learned counsel that the respondent had not made payment as per the schedule of installments is concerned the same is without any merit because as per Clause 9.21 of the agreement when the appellant failed to deliver the possession on the promised date then the respondents (complainants) were well within their right to stop making payment of installments. As there is no basis for differing with the decision of RERA

Authority, the order of RERA on account of interest under Section 18(1) is upheld.

2. The benefit of COVID period has already been given by the Ld. Authority.
3. The respondents have prayed for the return of the excess amount of GST which was denied by the Ld. Authority but since no counter-appeal has been filed by the respondents therefore, this relief cannot be granted to them.

No other point was argued.

In view of the above discussion this appeal stands dismissed. Parties to bear their own costs. File be consigned to record room.



Sd/-
S.K. GARG, D & S. JUDGE (RETD.)
MEMBER (JUDICIAL)

Sd/-
DR. SIMMI GUPTA, IRS (IT)
CHIEF COMMISSIONER OF INCOME TAX (RETD.)
MEMBER (TECH./ADMN.)

JANUARY 09, 2025
Shubham Rana

Certified To Be True Copy

Shubham Rana
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh

Shubham Rana
10/11/2025