

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

Subject: -

APPEAL NO.18 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. Manisha Jham wife of Sh. Aseem Kataria
2. Assem Kataria

Both resident of FF-1540C, Connaugh Residency, Sector 74A, SAS
Nagar, District Sahibzada Ajit Singh Nagar (Mohali) Punjab, Pin
Code 140307

....Respondents

APPEAL NO.19 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

Neha Chib, 1534-FF, Connaught Residency, Sector 74A, SAS Nagar,
Mohali, Punjab

....Respondents

APPEAL NO.20 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. Khashboo Garg
2. Rahul Gupta

Both residents of 1601/3, Bagh Rama Nand, Amritsar, District Amritsar,
Punjab, Pin Code 143006

....Respondents

Memo No. R.E.A.T./2025/ 07

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.

Manoj Kumar
REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

MEMO OF PARTIES

M/s TDI Infratech Ltd., through its Managing Director, SCO 678-679
Airport, Sector 119, TDI Smart City, S.A.S. Nagar, Mohali, Punjab.

...Appellant

Versus



1. Manisha Jham wife of Sh. Aseem Kataria

Aseem Kataria

Both residents of FF-1540C, Connaught Residency, Sector 74A, SAS
Nagar, District Sahibzada Ajit Singh Nagar (Mohali) Punjab, Pin Code
140307.

...Respondents

DATE: 02.08.2023

Puneet Tuli

Advocate
COUNSEL FOR THE APPELLANT

BEFORE THE REAL ESTATE APPELLATE TRIBUNAL PUNJAB

Appeal No. 19 of 2023

MEMO OF PARTIES

M/s TDI Infratech Ltd., through its Managing Director, SCO 678-679, Airport road, Sector 119, TDI Smart City, SAS Nagar, (Mohali) District Sahibzada Ajit Singh Nagar, (Mohali), Punjab, Pin Code 140501.

...Appellant


Versus

Neha Chib, 1534-FF, Connaught Residency, Sector 74A, SAS Nagar, Mohali Punjab.

...Respondent



DATE:- 02/09/23


Puneet Tuli

Advocate
COUNSEL FOR THE APPELLANT

Re-filing: 19/12/2023/588
Date of Filing
Date of receipt by post
Appeal No. 19 of 2023
Signature Kamla
Registrar

BEFORE THE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

Appeal No. 20 of 2024

MEMO OF PARTIES

M/s TDI Infratech Ltd., through its Managing Director, SCO 144-145, 200 ft International Airport road, TDI City, Sector 117, SAS Nagar, (Mohali) District Sahibzada Ajit Singh Nagar, (Mohali), Punjab, Pin Code 140301.

...Appellant

Versus



1. Khashboo Garg
2. Rahul Gupta

Both residents of 1601/3, Bagh Rama Nand, Amritsar, District Amritsar, Punjab, Pin Code 143006.

...Respondents

DATE: 02/09/23

Date of Filing 19/12/23/594
 Date of Receipt by court 19/12/23
 Appeal No. 20 of 2024
 Signature Kamla
 Registrar _____

Puneet Tuli

Advocate
 COUNSEL FOR THE APPELLANT

THE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AT CHANDIGARH

APPEAL NO.18 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. Manisha Jham wife of Sh. Aseem Kataria
2. Assem Kataria

Both resident of FF-1540C, Connaugh Residency, Sector 74A, SAS
Nagar, District Sahibzada Ajit Singh Nagar (Mohali) Punjab, Pin
Code 140307

....Respondents

APPEAL NO.19 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

Neha Chib, 1534-FF, Connaught Residency, Sector 74A, SAS Nagar,
Mohali, Punjab

....Respondents

APPEAL NO.20 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. Khashboo Garg
2. Rahul Gupta

Both residents of 1601/3, Bagh Rama Nand, Amritsar, District Amritsar,
Punjab, Pin Code 143006

....Respondents

Present: - Mr. Puneet Tuli, Advocate for the Appellant
Mr. Vipul Sachdeva, Advocate for Respondent No.1 and 2

**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.



APPEAL No.18, 19 AND 20 OF 2024

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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.
4. No other point was argued.
5. 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
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh
Shubham Rana
10/11/2025