

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

Subject: -

APPEAL NO.34 of 2023

Sunil Kumar Nehra, aged 49 years, S/o Late Sh. A.S. Nehra, R/o  
House No.3807, Sector-28/D, Chandigarh. Mobile-9888789888, E-mail-  
sunilkhera@gmail.com

...Appellant

Versus

M/s Bhanu Infrabuild Pvt. Ltd., SCO No.139-140, Sector-8/C,  
Chandigarh-160008.

E-mail- customerrelations\_chandigarh@omaxe.com

....Respondent

Memo No. R.E.A.T./2025/ 06



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

Whereas appeal 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 appeal is being forwarded to you for uploading the same on website.

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

REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

A

BEFORE THE PUNJAB REAL ESTATE APPELLATE TRIBUNAL AT  
CHANDIGARH

Appeal no. 34 /2023

MEMO OF PARTIES

Sunil Kumar Nehra, Aged 49 Years, S/o Late Sh. A.S. Nehra, R/o House  
No. 3087, Sector-28/D, Chandigarh.

Mobile-9888789888

e-mail- sunilknehra@gmail.com

....Appellant

Versus

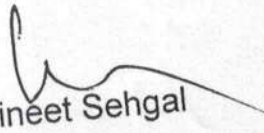
M/s Bhanu Infrabuild Pvt. Ltd., SCO No. 139-140, Sector-8/C, Chandigarh-  
160008.

e-mail- customerrelations chandigarh@omaxe.com

....Respondent

Chandigarh

Dated: 03.07.2023

  
Vineet Sehgal

Advocate

Counsel for the Appellant

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

**APPEAL NO.34 of 2023**

Sunil Kumar Nehra, aged 49 years, S/o Late Sh. A.S.  
Nehra, R/o House No.3807, Sector-28/D, Chandigarh.  
Mobile-9888789888, E-mail- [sunilkhera@gmail.com](mailto:sunilkhera@gmail.com)

...Appellant

Versus

M/s Bhanu Infrabuild Pvt. Ltd., SCO No.139-140, Sector-  
8/C, Chandigarh-160008.

E-mail- [customerrelations\\_chandigarh@omaxe.com](mailto:customerrelations_chandigarh@omaxe.com)

....Respondent

\*\*\*

**Present: -** Mr. Vineet Sehgal, Advocate for the Appellant  
Mr. Munish Gupta, Advocate for the Respondent

\*\*\*

**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)**

**GROUND OF APPEAL:-**

1. The present appeal has been filed by the appellant against the Order dated 20.04.2023 passed by the Real Estate Regulatory Authority, Punjab (hereinafter referred to as Authority).
2. The grounds raised by the appellant are that the Authority was unjustified in ordering refund of the commitment

charges as the allottee (appellant) had made a lump sum payment of amount of Rs.25,82,856/- to the respondent prior to signing of the agreement. The commitment charges were being paid on account of this lump sum payment by the appellant to the promoter. The agreement under the Act was registered on 28.06.2019 but the amount was paid to the respondent from the year 2017 onwards. After the Agreement dated 28.06.2019 an Addendum to the agreement was entered into on 16.03.2020 as per which the monthly commitment charges of Rs.18,735.92/- were to be paid by the promoter (respondent) to the allottee (appellant).



**DECISION:-**

1. The facts of the case show that the appellant had made payment to the promoter as under:-

Sr. No.	Date	Amount
1.	30.10.2017	Rs.3,00,000/-
2.	22.01.2018	Rs.13,82,856/-
3.	30.04.2018	Rs.5,00,000/-
4.	25.06.2019	Rs.4,00,000/-

After this an Agreement was signed on 28.06.2019 and Addendum to the agreement was entered into on 16.03.2020 as per which the commitment charges were being paid.

2. The due date for giving the possession was July, 2021, however, due to COVID-19 due date for giving possession

## APPEAL No.34 OF 2023

3

was allowed till January, 2022. However, the possession was not offered to the allottee and he finally gave a Termination Notice on 30.08.2021 asking the respondent to refund the amount by him. The Authority ordered in favour of the appellant asking the respondent to refund the amount along with interest in accordance with the provisions of the Act as stated under Section 18(1) along with interest as prescribed under Rule 16 of the Act. The commitment charges paid by the respondent to the appellant were ordered to be returned back by the appellant to the respondent. The appellant has in the appeal objected to the refund of this amount from the amount being due to him on the basis that he had already paid the amount as lump sum before the agreement was signed.

3. The decision rendered by the Authority shows that the interest is to be paid by the respondent to the appellant from the date on which the amount has been paid by the appellant to the respondent. Therefore any amount already paid by the respondent to the appellant has to be adjusted against that interest as paid back by the appellant to the respondent. Therefore, the amount already paid by the respondent as commitment charges has to be refunded by the appellant as directed by the Authority
4. The provision of Section 18(1) provide for refund of the amount by the allottee along with interest in case an allottee wishes to withdraw from the project. To this case



**APPEAL No.34 OF 2023**

**4**

the appellant has already given termination notice and this has shown his intention to withdraw from the project. The rate of interest as provided under Rule 16 is SBI MLR + 2%. The commitment charges paid by the respondent is over and above it and thus needs to be refunded without any interest.

5. The appeal is thus, dismissed and the order of the Authority is upheld.



*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**  
**Vishal**

**Certified To Be True COPY**  
*Anand Kaur*  
Registrar  
Real Estate Appellate Tribunal Punjab  
Chandigarh

*Anand Kaur*  
10/11/2025