

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

Subject: -

**APPEAL NO.81 of 2023**

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 160055.

**...Appellants**

Versus

1. Sugandha Gupta, # 16 Ajit Enclave, Randhawa Road, Sahibzada  
Ajit Singh Nagar, (Mohali) Punjab-140301
2. Chandan Shridhar, # 16 Ajit Enclave, Randhawa Road, Sahibzada  
Ajit Singh Nagar, (Mohali) Punjab-140301
3. HDFC Ltd, SCO 510, Ground Floor, Sector 70, Mohali, Near  
Reliance Fresh Store, Sahibzada Ajit Singh Nagar, (Mohali),  
Punjab-160055

**....Respondents**

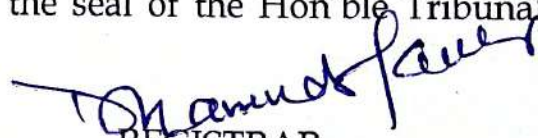
Memo No. R.E.A.T./2025/ 19

To,

**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 22<sup>th</sup>  
day of January, 2025.

  
REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB



BEFORE THE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

Appeal No. 81 of 2023

MEMO OF PARTIES

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 160055.

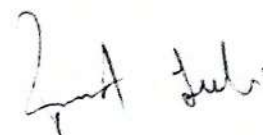
...Appellant

Versus

- I. Sugandha Gupta # 16 Ajit Enclave, Randhawa Road, Sahibzada Ajit Singh Nagar, (Mohali), Punjab-140301.
- II. Chandan Shridhar # 16 Ajit Enclave, Randhawa Road, Sahibzada Ajit Singh Nagar, (Mohali), Punjab-140301.
- III. HDFC Ltd, SCO 510, Ground floor, Sector 70, Mohali, near Reliance Fresh Store, Sahibzada Ajit Singh Nagar, (Mohali), Punjab-160055.

...Respondents

DATE:- 14/09/23  
Date of Filing 5/12/23/553  
Date of Receipt by part 5/12/23  
Appeal No. 81/2023  
Signature Kamla  
Registrar \_\_\_\_\_

  
Puneet Tuli

Advocate  
COUNSEL FOR THE APPELLANT

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

**APPEAL NO.81 of 2023**

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 160055

**...Appellants**

Versus

1. Sugandha Gupta, # 16 Ajit Enclave, Randhawa Road, Sahibzada Ajit Singh Nagar, (Mohali) Punjab-140301
2. Chandan Shridhar, # 16 Ajit Enclave, Randhawa Road, Sahibzada Ajit Singh Nagar, (Mohali) Punjab-140301
3. HDFC Ltd, SCO 510, Ground Floor, Sector 70, Mohali, Near Reliance Fresh Store, Sahibzada Ajit Singh Nagar, (Mohali), Punjab-160055

**....Respondents**

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**Present: -** Mr. Puneet Tuli, Advocate for the Appellant  
Ms. Sugandha Gupta, (In Person) Respondent No.1  
Mr. Chandan Shridhar, (In Person) Respondent No.2  
Mr Atul Goyal, Advocate for HDFC Bank

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**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 06.09.2019 to 05.05.2021 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

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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 on 06.04.2019 but the offer for possession has been made on 05.05.2021. 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

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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 16, 2025**  
**Shubham Rana**

Certified To Be True Copy

*Shubham Rana*  
Registrar  
Real Estate Appellate Tribunal Punjab  
Chandigarh

*Shubham Rana*  
22/1/2025