

**BEFORE SHRI MALWINDER SINGH JAGGI, IAS,
REAL ESTATE REGULATORY AUTHORITY, PUNJAB**

Execution No. 44 of 2022 in
Complaint No.AdC 1395 of 2019
Date of Decision: 16.05.2024

Sita Bhat (since deceased) through LR Shri Sarvesh Kumar, 1407/12, A Block,
Saraswati Kung, Behind Saraswati Vidya Mandir Inter College, Indira Nagar,
Lucknow-226016

.... Complainant/applicant

Versus

Ansal Properties and Infrastructure Limited, Ansal City Centre, CB-12A, Sector
115, K-L Road, SAS Nagar, Mohall, Punjab 140307

.... Respondent

Present : Shri D.N. Tripathi, Advocate with Shri Sarvesh Kumar, LR of
deceased Sita Bhat
None for respondent

ORDER

This order will dispose of the Execution Application No.44 of 2022 filed by the complainant/applicant, against respondent for executing the order dated 18.02.2022 passed by the then learned Bench of Shri Sanjiv Gupta, Member of this Authority in AdC No.1395 of 2019 BF TR AUTH 0126 of 2021. The relevant portion of the order dated 18.02.2022 is reproduced below:-

- I. *The respondent shall refund, as per Section 18(1) of the Act, within 3 months of this order, the entire amount paid by the complainant directly to the Respondent, along with interest @ 9.30% per annum (today's*

highest MCLR rate of 7.30% plus 2%) to be calculated from the dates when the payments were received, till the date of payment.

II. The respondent shall refund the entire loan amount paid by HDFC, along with interest @ 9.30% per annum (today's highest MCLR rate of 7.30% plus 2%) from the dates the amounts were received. The payment shall be made as follows:-

- a. Refund the outstanding loan amount to HDFC, along with the accrued interest thereon, till the date of payment.*
- b. Pay the remaining portion of loan amount, repaid by the complainants by way of EMI's, to the complainant.*
- c. To pay interest on the entire loan amount, received by the respondent from HDFC @ 9.30% (today's highest MCLR rate of 7.30% plus 2%), from the dates the amounts were received, till the date of payment. This amount shall be paid to complainant after adjusting the accrued interest, in terms of Sub-Para (II) (a) of Para 9 above".*

Since the above stated order was not complied with by the respondent, the complainant/ applicant filed the present execution application before this Authority for execution of order dated 18.02.2022.

2. Upon receipt of the Execution Application along with Calculation sheet claiming Rs.19,65,603/- as on 31.05.2022 (Rs.9,93,359/- as principal amount and Rs.9,72,244/- as interest from the Legal Branch of this Authority), the then learned Bench of M(SG) of this Authority issued notice to the respondent for appearance on 14.07.2022.



3. As reflected in the interim order dated 14.07.2022 notice was served upon the respondent but he did not appear. It is further mentioned in the interim order dated 02.02.2023 that learned Counsel for the respondent sought time to submit his reply but no reply was filed by the respondent so far. Even on 24.08.2023 the respondent stated at bar that the respondent is ready to comply with the directions issued by this Authority. Perusal of the interim orders revealed that the respondent was taking adjournments on one pretext or the other but till today the order dated 18.02.2022 has not been complied with. When the matter was taken up today there was no representation on behalf of the respondent.

4. I have gone through the case file and also perused the record of this case.

5. It is clear from the above discussion, that the respondent has not complied with the order dated 18.02.2022 and even not contested the execution application. This execution is pending since June 2022 and we are in May 2024. It appears that the respondent time and again gained time to delay the execution of this order.

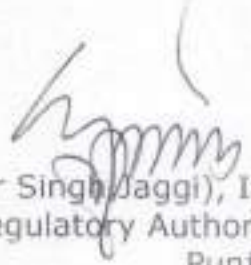
6. The only limited prayer in this execution application is that the respondent be directed to refund the amount of Rs.9,93,359/- deposited by the complainant from his own pocket along with interest thereon. This prayer was accepted by the then Member (SG) and directed *"the respondent shall refund, as per Section 18(1) of the Act, within 3 months of this order, the entire amount paid by the complainant directly to the Respondent, along with interest @ 9.30% per annum (today's highest MCLR rate of 7.30% plus 2%) to be calculated from the dates when the payments were received, till the date of payment"* **Emphasis supplied.**

7. Thus, it is clear that the order dated 18.02.2022 has not been complied with by respondent as on today. It is a serious matter that respondent did not appear today to pursue the matter.

8. As a sequel of the above and the fact that since there is no rebuttal on behalf of respondent this Execution Application No.44 of 2022 is accordingly allowed and respondent is directed to refund the amount of Rs.21,43,099/- (Principal Amount of Rs.9,93,359- along with interest of Rs.11,49,740/- calculated from 28.09.2021 to 16.05.2024 - the date of this order) within sixty days of the receipt of this order. Registry of this Authority is directed to issue a Recovery Certificate to the District Collector, SAS Nagar, Mohali, Punjab to affect the recovery of Rs.21,43,099 (as per calculation sheet attached as Annexure-1) from respondent.

9. It is also directed that if respondent does not comply with the order dated 18.02.2022 and with this order within a period of sixty days of the receipt of this order, the Registry of this Authority is directed to initiate the proceedings under Section 63 of the Act of 2016 against respondent.

Announced


(Malwinder Singh Jaggi), IAS
Real Estate Regulatory Authority
Punjab

Case Title - Sita Bhat v/s Ansal Properties

Calculation of interest as per orders dated 18.02.2022

Interest payable from	Amount	Interest Calculated till	Rate of Interest as per order	Tenure (in days)	Interest Amount
28-Sep-2011	5,85,000	16-May-2024	9.30%	4615	6,87,888
10-Oct-2011	15,064	16-May-2024	9.30%	4603	17,667
15-Nov-2011	67,755	16-May-2024	9.30%	4567	78,843
31-Jan-2012	67,755	16-May-2024	9.30%	4490	77,514
5-Apr-2012	68,271	16-May-2024	9.30%	4425	76,973
30-May-2012	1,20,000	16-May-2024	9.30%	4370	1,33,614
8-Jun-2012	69,514	16-May-2024	9.30%	4361	77,241
	9,93,359				11,49,740

Total Amount Paid	9,93,359
Interest on paid amount	11,49,740
TOTAL	21,43,099




Execution No. 44 of 2022 in
in
AdC No.1395 of 2019 BF TR AUTH 0126 of 2021

16.05.2024

Sita Bhat and Anr Vs Ansal Properties and Infra. Ltd.

Present : Shri D.N. Tripathi, Advocate with Shri Sarvesh Kumar, LR of
deceased Sita Bhat
None for respondent

Vide separate order, the execution application is allowed.


(Malwinder Singh Jaggi), IAS
Real Estate Regulatory Authority
Punjab