



Real Estate Regulatory Authority, Punjab

First Floor, Block-B, Plot No. 3, Sector-18 A, Madhya Marg, Chandigarh – 160018

Before the Bench of Sh. Rakesh Kumar Goyal, Chairman

Phone No. 0172-5139800, email id: pschairrera@punjab.gov.in & pcchairrera@punjab.gov.in

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| 1. Execution Application No. | :- | 33/2024 in AdCNo.17162020BFTR-AUTH00052023. |
| 2. Name & Address of the Applicant-Complainant (s)/ Allottee | :- | Ms. Sudha Jain wife of Sh. Anand Parkash Jain, resident of G-9, Hauz Khas, New Delhi -110016. |
| 3. Name & Address of the respondent (s)/ Promoter | :- | Greater Mohali Area Development Authority, PUDA Bhawan, Sector 62, Sahibzada Ajit Singh Nagar (Mohali), Punjab-160062. |
| 4. Date of filing of Execution Application | :- | 28.03.2024 |
| 5. Name of the Project and Address | :- | IT City Mohali |
| 6. RERA Registration No. of Project | :- | PBRERA-SAS81-PM0116 |
| 7. Name of Counsel for the Applicant-complainant, if any. | :- | Sh. Ritik Sharma, Proxy counsel for Sh. Vishal Aggarwal, Advocate |
| 8. Name of Counsel for the respondent, if any. | :- | Sh. Rudresh, Advocate for Sh. S.S. Chatrath |
| 9. Section and Rules under which order is passed | :- | Section 40(1) of the RERD Act, 2016 r.w. Rule 24 and 25 of Pb. State RERD Rules, 2017 against order dated 29.11.2023. |
| 10. Date of hearing | :- | 02.12.2025 |

Order u/s. 40(1) of Real Estate (Regulation & Development) Act, 2016 r/w Rules 24 & 25 of Pb. State Real Estate (Regulation & Development) Rules, 2017.

The present application has been filed by the Applicant for execution of order dated 29.11.2023.

2. This Authority by way of order u/s. 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred as the 'Act, 2016') dated 29.11.2023 held in the case '*Sudha Jain Vs. GMADA*' that the respondent shall be liable to refund Rs.6,25,000/- along with interest @ 10.75% per annum from the date of deposit till the date of its realisation. For ready reference, relevant extract of order dated 29.11.2023 is reproduced hereunder:-

"16. Further, the complainant has not furnished any documents containing any iota of evidence that she is resident of Punjab. The complainant has given her correspondence address of New Delhi. Had the respondent been cautious and done the scrutiny of the applications so received before draw of lots, the bona fide mistake committed by the complainant would have come to their notice and her application would have been rejected at the first instance. The above said conditions would be applicable only if the complainant had tried to commit any mischief by mentioning that she was a resident of Punjab. However, the conduct of the complainant is clear as she surrendered her plot on 17.11.2018 after conduct of draw of lots on 14.06.2018. The respondent cannot be allowed to take advantage of its own failure to



properly scrutinize the applications. Thus, it is held that the application submitted by the complainant under preferential category of women was a bona fide mistake which is further supported by the fact that she surrendered her plot on 17.11.2018 after she came to know that she was declared successful in draw of lots on 14.06.2018 since she was not a resident of Punjab. Thus deduction of 5% of the cost of the plot from the amount submitted by the complainant would amount to unfair trade practice on the part of the respondent. As such the respondent is directed to refund the amount of Rs.6,25,000/- to the complainant as per Rule 17 of the Punjab State Real Estate (Regulation and Development) Rules, 2017 i.e. within ninety days from the date of order. Since the amount paid by the complainant has been utilized by the respondent, the complainant is entitled for payment of interest on the amount of Rs.6,25,000/- as prescribed under Rule 16 of the Punjab State Real Estate (Regulation and Development) Rules, 2017 at the rate of 10.75% per annum (today's highest MCLR rate of 8.75% plus 2%) with effect from the date of deposit till its realization.

[Emphasis Supplied]

3. The Respondent neither paid the principal amount nor has paid its interest. The order passed u/s. 31 of the Real Estate (Regulation and Development) Act, 2016 dated 29.11.2023 was duly served on the Respondent.

4. Accordingly, vide Diary No. 2192 dated 28.03.2024, the present applicant / complainant filed the present execution application No. 33 of 2024, before Real Estate Regulatory Authority, Punjab (Henceforth referred as Authority) requesting to direct the respondent to comply with the order dated 29.11.2023 passed u/s 31 of the RERD Act, 2016.

5. In consequence of filing of execution application, a notice was issued to Respondent i.e. Greater Mohali Area Development Authority to appear and submit reply. Subsequently, objection to the execution was filed by the counsel for respondent on 15.01.2025.

6. I have duly considered the order passed u/s 31 dated 29.11.2023; the application filed by the applicant/complainant, the reply filed by the respondent/judgment debtor and the arguments of the parties. It has been submitted in the reply of the respondent that the order dated 29.11.2023 passed u/s 31 was challenged in the Hon'ble Real Estate Appellate Tribunal, Punjab vide Appeal No. 63 of 2024. However, it is noted that no stay order of the Hon'ble REAT has been placed on record by either of the parties. In the absence of any stay or restraining direction from the Hon'ble REAT, the pendency of the appeal cannot be treated as a bar to the continuation of the present execution proceedings. Further, the present execution proceedings are limited to the implementation of the directions contained in the main order passed u/s 31 on 29.11.2023. Therefore, based on the written and oral submissions of the applicant and the material available on record, it is held that



the respondent i.e. **Greater Mohali Area Development Authority** had failed to comply with orders passed u/s 31 of the Real Estate (Regulation and Development) Act, 2016 dated 29.11.2023. In these circumstances, the respondent is directed to refund Rs.6,25,000/- alongwith arrears of interest accrued over it @10.75% per annum from the date of deposit till the date of its realization. The period for payment of interest will be considered from the next month in which payment was effected by the allottee to the previous month of the date in which payment has been effected by the promoter / respondent. Therefore, the calculation of refund and interest accrued over it upto 30.11.2025 is calculated as follows:-

Actual date of payment	Interest payable from	Principal amount paid	Interest calculate till	Interest rate as per order (8.75% SBI's Highest MCLR Rate + 2%)	Tenure (in months)	Interest Amount payable till 30.11.2025
1	2	3	4	5	6	7
07.05.2018	01.05.2018	Rs6,25,000/-	30.11.2025	10.75%	91	Rs.5,18,984/-
Grand Total (PRINCIPAL AMOUNT + INTEREST AMOUNT)						Rs.11,43,984/-

7. The total amount due upto 30.11.2025 amounts to Rs.11,43,984/- and the respondent is directed to make the payments immediately. No further time is granted since the order u/s 31 of the RERD Act, 2016 was passed on 29.11.2023 and the respondent was bound to make the said payment within 90 days of the order. In addition to the above adjudicated dues, the respondent shall remain liable to pay further monthly delay interest at the rate of Rs.896/- per month from 01.12.2025 onwards on the principal amount of Rs.6,25,000/-, which shall continue to accrue until it is paid .

8. Hence, the respondent/promoter is liable to pay a total amount of Rs.11,43,984/- upto 30.11.2025 (i.e. Principal amount of Rs.6,25,000/- and interest of Rs.5,18,984/-), and any amount due as interest w.e.f. 01.12.2025 of Rs.5703/- per month onwards on the principal of Rs.6,25,000/- till it is paid. Any amount paid by the respondent/promoter first will be considered as payment against the interest whatever is due. After payment of whole of interest only then the payment will be considered against principal and accordingly the principal will be reduced and interest will be charged on the balance/reduced principal amount till the whole principal amount is fully paid. Even any payment after reduction in principal amount will be first considered towards interest payment which has become due on the reduced principal, if any

9. The amount of Rs.11,43,984/- and further a sum of Rs.5703/- per month to be payable as interest per month from 01.12.2025 are held to be "Land Revenue" prescribed u/s. 40(1) of the RERD Act, 2016 read with Rule 24 of the Punjab State Real Estate (Regulation & Development) Rules, 2017 for the



purposes of collecting of it from the promoter under the Punjab Land Revenue Act, 1887. The said amounts are to be collected as Land Revenue by the Competent Authorities as provided/authorised in the Punjab Land Revenue Act, 1887 read with section 40(1) of the Real Estate (Regulation and Development) Act, 2016.

10. The Secretary of this Authority is directed to issue the Recovery Certificate immediately for recovery of the adjudicated amount of Rs.11,43,984/- as interest payable till 30.11.2025 and further interest of Rs.5703/- p.m. till the payment of principal amount and interest. The Secretary will further send it to the jurisdictional authority under Punjab Land Revenue Act, 1887 to recover the same as "Land Revenue" and for necessary action. The said amounts are to be collected as "Land Revenue" as per the provisions of Punjab Land Revenue Act, 1887 and Punjab Land Revenue Rules, 1909 by the authorities prescribed /authorized under the said Act and Rules. Further, Ms. Sudha Jain is held as Decree Holder and Greater Mohali Area Development Authority as Judgment Debtor for the purposes of recovery of the amounts due as calculated in the table supra. The respondent (judgment debtor) and the complainants (decree holders) are directed to inform the Secretary of this Authority regarding any payments made towards compliance, so that appropriate entries may be made in the official records.

11. In the result, the present Execution Application is **allowed**.

Chandigarh
Dated: 02.12.2025




(Rakesh Kumar Goyal)
Chairman
RERA Punjab

A copy of the above order be sent to the followings further necessary action:-

1. Ms. Sudha Jain wife of Sh. Anand Parkash Jain, resident of G-9, Hauz Khas, New Delhi -110016.
2. Greater Mohali Area Development Authority, PUDA Bhawan, Sector 62, Sahibzada Ajit Singh Nagar (Mohali), Punjab-160062.
3. The Secretary, RERA, Punjab.
4. Director (Legal), RERA, Punjab.
5. The Master File.
6. The Record File.

(Sawan Kumar),
P.A. to Chairman
RERA, Punjab.