

**BEFORE THE REAL ESTATE REGULATORY AUTHORITY,  
PUNJAB, AT CHANDIGARH.**

Memo No. RERA/Pb/Legal/6758

Dated 09.06.2023

Date of Order: 06.11.2023

In the Matter of Execution No.126 of 2022 in GC No. 1660 of 2020URTR, decided on 03.05.2023: titled:-

1. NXTEP Maintain Infraz Private Ltd, 523, 5<sup>th</sup> floor, Block D and E, Chandigarh City Centre, VIP Road Zirakpur, District Sahibzada Ajit Singh Nagar (Mohali) Punjab.
2. Singla Builders and Promoters Limited, Plot No.1265C, Sector 82, Sahibzada Ajit Singh Nagar, (Mohali), Punjab.

...Complainants-applicants

Versus

Kapil Kumar son of Shri Vijay Kumar, Flat No.608, Floor 6<sup>th</sup> Tower No.2, SBP North Valley, Santemajra, Kharar, District, Sahibzada Ajit Singh Nagar (Mohali), Punjab.


...Respondent

Present : None for the Respondent.

**Order U/S 67 Of the Act**

1. Penalty notice under Section 67 of the Act was issued to the respondent vide Memo No.RERA/Pb/Legal/6758, dated 09.06.2023, for non-compliance with the directions of the Authority in its order dated 29.09.2021, passed in complaint No. GC No. 1660 of 2020URTR, titled as Nextep Maintain Infraz Pvt Ltd Vs. Kapil Kumar. As per said directions of the Authority, the respondent Kapil Kumar was directed to pay a sum of Rs.80,369/- (i.e. Rs.68,110/- on account of arrears of maintenance charges at the rate of Re.1/- per sq. foot per

month w.e.f. March 2016 till March 2020, alongwith an amount of Rs.12,259/- on account of GST at the rate of 18%) with interest at the rate of 9.30% per annum (that day's highest MCLR rate of 7.30% plus 2%) within a period of two months from the date of that order. Since, the order has not been complied with, the complainants-applicants filed an execution application for recovery of the amount due. However, the respondent did not bother to appear in the said proceedings despite service. Therefore, while deciding the said execution application, a direction was given by the Authority to issue notice under Section 67 of the Real Estate (Regulation and Development) Act, 2016 (for short the Act) to the respondent for his failure to comply with the directions of this Authority. Accordingly, the Authority issued notice under Section 67 of the Act, vide above mentioned memo, on 09.06.2023. However, the respondent refused to accept service of notice; and reminders sent thereafter also did not did not invoke any appearance from the respondent. Hence, this order.



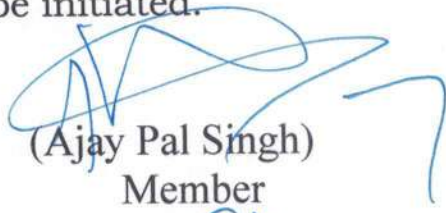
2. We have gone through the file. From perusal of the file, it is noted that the respondent was directed to make payment of the amount of maintenance due from him, as mentioned in para 01 of the order dated 29.09.2021, within a period of two months from the date of said

order. The said directions of the Authority, imparted vide order dated 29.09.2021 have still has not been complied with . It is, therefore, apparent that the respondent has failed to comply with the directions of the Authority. The provisions of Section 67 of the Act read as under:-

**“67. Penalty for failure to comply with orders of Authority by allottee-** *If any allottee, who fails to comply with, or contravenes any of the orders or directions of the Authority, he shall be liable to a penalty for every day during which such default continues, which may cumulatively extend up to five per cent., of the plot, apartment or building cost, as the case may be, as determined by the Authority.”*

3. From the above given facts it is clear that the respondent has failed to comply with the directions of this Authority and is, therefore, liable for imposition of penalty under Section 67 of the Act. The maximum penalty imposable under the law is upto 5% of the plot, apartment or building cost; however, as the amount to be paid by the respondent was to the tune of Rs.1,27,821/- on account of arrears of maintenance charges as ascertained in the execution application and taking a judicious view of the matter a penalty of Rs.50,000/- is imposed upon the respondent. This penalty should be deposited in the Government Treasury under Head-0216-Housing-80-General-800-other receipts and a copy of the receipt submitted to this Authority for record. In the alternative, it may be submitted to this Authority by way of demand draft issued in its name

i.e. "Real Estate Regulatory Authority, Punjab" payable at Chandigarh. The needful be done within 2 months from the date of issue of this order failing which appropriate action under section 40(2) of the Act would be initiated.



(Ajay Pal Singh)  
Member



(Satya Gopal)  
Chairperson



(Rakesh Kumar Goyal)  
Member


RERA Vs. Kapil Kumar son of Shri Vijay Kumar,

06.11.2023

Present : None for respondent

None appeared on behalf of the respondent despite service through email. Earlier also none appeared on behalf of the respondent and he had refused to accept the notice.

For the reasons recorded in separate order passed today, penalty is imposed upon the respondent. File be consigned to record room.

  
(Ajay Pal Singh)  
Member

  
(Satya Gopal)  
Chairperson

  
(Rakesh Kumar Goyal)  
Member