



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, Member.

Execution Application No.67/2022
Complaint/RERA AdC No. 0187/2021TR-
AUTH00022022
Date of filing: 25.07.2022
Date of decision: 03.08.2023

Bhupinder Singh R/o House No. 1221, Shivalik City, Kharar, SAS Nagar (Mohali) - 140301, Punjab.

...Complainant

Versus

Bakshish Builders Ltd., Gulmohar Heights, Kharar-Kurali Road Village Khanpur, Amritsar - 140301, Punjab

...Respondent

Application U/s. 40(1) of the Real Estate (Regulation & Development) Act, 2016 for execution of order dated 09.07.2021.

Present:-

1. Sh. Mewa Singh, Advocate for the applicants.
2. Sh. Bhupinder Singh, Consultant of the Respondent.

ORDER

The present application has been filed by the Applicant for execution of order dated 29.03.2022.

2. This Authority in an order u/s. 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred as the 'Act, 2016') dated 29.03.2022 has held in the case of 'Bhupinder Singh Vs. Bakshish Builders Ltd.' shall be liable to refund the entire amount of Rs.6,31,250/- to the applicants alongwith interest @ 9.30% per annum till the amount was paid. For ready reference, relevant extract of order dated 29.03.2022 is reproduced hereunder:-

9. *In view of the above, the complaint is allowed and following is ordered:-*

I. **The respondent shall refund**, as per Section 18(1) of the Act, within 90 days of this order, the entire amount of **Rs. 6,31,250/- alongwith 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]

Amr

3. The Respondent i.e., Bakshish Builders Ltd. did not give the refund alongwith interest as directed under Para 9 of the Order dated 29.03.2022. The order was duly served on the Respondent.

4. Accordingly, on 25.07.2022 the applicant filed an execution application, No. 67 of 2022, before Real Estate Regulatory Authority, Punjab (Henceforth referred as Authority) requesting to direct the Respondent, Bakshish Builders Ltd., to refund the principal amount of Rs.6,31,250/- alongwith interest of Rs.6,37,628/-, which in totality comes to Rs.12,68,878/-, till the filing of present execution application.

5. In consequence of filing of execution application, a notice was issued to Respondent i.e., Bakshish Builders Ltd. to appear and submit reply. However, the respondent joined the proceedings on 11.05.2023 and sought adjournment to file its reply. On 04.07.2023, the respondent filed its reply/objection to the execution application but without any calculation and matter got listed for today i.e., 3.8.2023 for proceeding further.

6. The perusal of the reply/objection of the respondent reveals that it had nowhere objected upon the calculation submitted by the applicant, though he had reiterated the facts of the case, which are already taken into consideration at the time of passing the order 29.03.2022 in main complaint. Also, no new facts can now be looked into at this stage of execution of order dated 29.03.2022. These facts are now subject matter of appeal, which had not been preferred by the respondent till the date of last hearing of this case. Also, non-filing of the calculation or not objecting upon the amount claimed by the application in the present execution application *tantamounts* to admittance of this fact that the amount which has been claimed by the applicant in this execution application is acceptable to the respondent and he have no objection in this regard.


7. Based on the written and oral submissions of both the applicant and respondent, it is held that the respondent had failed to comply with order dated 29.03.2023. In these circumstances, the respondent is directed to refund the principal amount i.e., Rs.6,31,250/- paid by the applicant alongwith arrears of interest accrued on it, till the date of this order i.e., Rs.6,95,146/- (**totaling to Rs.13,26,396/-**). The details of payment and interest accrued thereupon is given as under:-

Am-1

Interest payable from	Amount	Interest Calculated till	Rate of Interest as per order	Tenure	Interest Amount
01.10.2011	6,31,250/-	31.07.2023	9.30%	11 years 10 months	695146/-
	6,31,250/-				6,95,146/-

10. 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. Accordingly, the execution application is **allowed**. Recovery Certificates be issued to the concerned District Collector.

Chandigarh
Dated: 03.08.2023


(Rakesh Kumar Goyal),
Member,
RERA, Punjab.