

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

Memo No. RERA/Pb/Legal/6759

Dated 09.06.2023

Under Section 67 of the Act of 2016

Date of Order: 06.11.2023

In the Matter of Execution No.127 of 2022 in GC No. 1664 of 2020URTR, decided on 03.05.2023: titled:-

1. NXTEP Maintain Infraz Private Ltd, 523, 5th 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

Ms. Manjeet Kaur wife of Shri Uttam Singh, Flat No.220, Floor 2nd Tower No.4, SBP North Valley, Santemajra, Kharar, District, Sahibzada Ajit Singh Nagar (Mohali), Punjab.

...Respondent

Present : None for the Respondent.

ORDER

Notice under Section 67 of the Real Estate (Regulation and Development) Act, 2016, (hereinafter referred to as the Act) was issued to the respondent vide Memo No.RERA/Pb/Legal/6759, dated 09.06.2023 for non-compliance with the directions of the Authority in its order dated 23.04.2021 passed in complaint No. GC No. 1664 of 2020TR titled as Nextep Maintain Infraz Pvt Ltd. and Anr. Vs. Ms. Manjeet Kaur. As per said directions of the Authority,

the respondent Ms. Manjeet Kaur was directed to pay a sum of Rs.91,332/- (on account of arrears of maintenance charges at the rate of Re.1/- per sq. foot per month w.e.f. September 2019 till March 2020 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 had to file an execution application for recovery of the amount due. Even the respondent did not bother to appear in the said proceedings despite service. While deciding the said execution application, a direction was imparted to issue notice under Section 67 of the Act to the respondent for her failure to comply with the directions of this Authority.

2. The Authority issued notice under Section 67 of the Act vide above mentioned Memo. on 09.06.2023. However, none appeared on behalf of the respondent in these proceedings. The respondent refused to accept service of notice and reminders sent thereafter also did not make any difference and the respondent did not put in appearance despite service. Hence, this order.

3. 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 her as mentioned in para 01 of this order vide order dated 23.04.2021 within a period of two



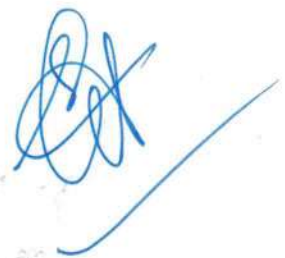
months from the date of said order. The said directions of the Authority imparted vide order dated 23.04.2021 still has not been complied with and the respondent never showed her inclination. Hence, it is, therefore, apparent that the respondent has failed to comply with the directions of the Authority. The provisions of Section 67 of the Act reads 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."*

4. The powers of the Authority to issue directions are drawn from Section 37 of the Act. Further, Section 34(g) of the Act reads as under:-

"34(g) to ensure compliance of its regulations or orders or directions made in exercise of its powers under this Act"

5. It is, therefore, crystal clear that the respondent has failed to comply with the directions of this Authority and is 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.91,332/- 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.15,000/- 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. If the amount is not deposited within the specified time, recovery certificate be issued to the Collector, SAS Nagar (Mohali) for effecting recovery under Rule 24 of the Punjab State Real Estate (Regulation and Development) Rules, 2017 as arrears of land revenue.

Announced



(Satya Gopal)
Chairperson



(Ajay Pal Singh)
Member



(Rakesh Kumar Goyal)
Member

NXTEP Maintain Infraz Private Ltd and Anr. Vs Ms. Manjeet Kaur

Dated 06.11.2023

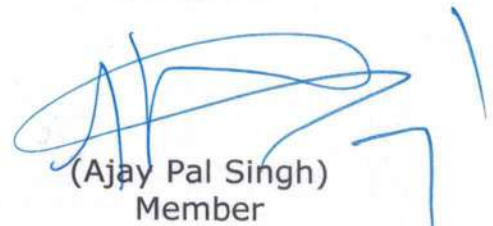
Present : None for the Respondent.

Vide separate order passed today, a penalty of Rs.15,000/- has been imposed upon the respondent.

File be consigned to record room after compliance of the order.



Satya Gopal)
Chairperson



(Ajay Pal Singh)
Member



(Rakesh Kumar Goyal)
Member