

**BEFORE SHRI BINOD KUMAR SINGH, MEMBER  
REAL ESTATE REGULATORY AUTHORITY, PUNJAB**

Execution No.28 of 2023 in  
Complaint AdC No.1738 of 2020  
BFTR AUTH0166 of 2022  
Date of Decision: 17.01.2025

Yogendra Kushwaha, Brig VP Kushwaha, 3A/402, AWHO Gurjinder  
Vihar, CHI 1, Pocket 5, Greater Noida, District Gautam Buddha Nagar,  
Utter Pradesh, Pin-Code 201310

....Complainant/Decree Holder

1. Omaxe New Chandigarh Extension Developers Pvt. Ltd. (CIN  
No.U00500RJ2006PTC022398), India Trade Centre, First Floor,  
Madhya Marg, Extension, New Chandigarh (Mullanpur), District  
Sahibzada Ajit Singh Nagar (Mohali), Punjab, Pin Code 140901
2. Hitendra Goyal, India Trade Centre, First Floor, Madhya Marg,  
Extension, New Chandigarh (Mullanpur), District Sahibzada Ajit  
Singh Nagar (Mohali), Punjab, Pin Code 140901
3. Ashwani, India Trade Centre, First Floor, Madhya Marg,  
Extension, New Chandigarh (Mullanpur), District Sahibzada Ajit  
Singh Nagar (Mohali), Punjab, Pin Code 140901

.... Respondents/Judgement Debtors

Present : None for the complainant  
Shri Ankit Kumar, Advocate for Shri Munish Gupta,  
Advocate for the respondents

**ORDER**

This is an application under Section 40(2) of the Real Estate  
(Regulation and Development) Act, 2016 (hereinafter referred to as

the Act of 2016) read with Rule 25 of the Punjab State Real Estate (Regulation and Development) Rules, 2017 (hereinafter referred to as the Rules of 2017) for execution of order dated 09.06.2022 passed under Section 31 of the Act of 2016 read with Rule 36 of the Rules of 2017 by the then learned Bench of Member (APS) vide which the respondents were directed as under:-

*"8. In view of above discussions and observations, the respondents are directed to refund the amount of Rs.16,48,667/- to the complainant, along with interest as per State Bank of India's highest marginal cost of lending rate (as of today) plus 2% in view of the provisions of Section 18(1), read with Rule 16 of the Punjab State (Regulation and Development) Rules 2017, with effect from the respective dates of payments till realization and this amount shall be paid within 90 days from the date of this order.*

*9. In the result, the complaint is accepted in above terms. File be consigned to record room and copy of the order be provided to the parties free of costs."*

2. The brief history of the original Complaint bearing AdC No.1738/2020 BFTR AUTH0166 of 2022 is that the complainant applied Flat in respondent's no.1 project "The Lake", Tower Emerald-D in April 2019 under the Army Group Insurance Fund (AGIF) on the basis of documents for processing loan and paid Rs.16,48,667/- before signing of the agreement for sale on 24.06.2019. Since the respondent did not provide necessary documents, no further payment was made by the complainant and even no construction activity was commenced. On 29.11.2019 the complainant sought refund of entire amount of Rs.16,48,667/- along with interest. Reply to this complaint was filed. After considering the pleadings and arguments of the parties, the

above said reproduced order was passed in favour of the complainant and against the respondents.

3. Since compliance of order dated 09.06.2022 was not made by the respondent, resultantly the complainant/ decree holder filed the present execution application attaching therewith calculation sheet showing the recoverable amount of Rs.22,33,721/- upto 17.04.2023.

4. Upon notice, Shri Munish Gupta, Advocate appeared for the respondent and stated that the respondent is ready to refund the amount but with rider that the complainant should get the agreement for sale entered into between the parties cancelled before the office of Sub Registrar. Vide interim order dated 01.02.2024 this Authority directed the respondent to make payment of Rs.23,51,411/- on or before 10.02.2024 and the complainant was also directed to get the registered documents cancelled on or before 22.02.2024. Learned Counsel for the respondent stated that as per calculation sheet submitted by them, the sum of Rs.23,31,133/- after deducting the TDS had already been released to the complainant vide RTGS and now nothing is due. However, the proceedings continued between 21.08.2024 till 03.01.2025. It is noteworthy that either different Counsel appeared for the complainant or on one or two occasions nobody represented the case of the complainant. Even on 03.01.2025 there was nobody present on behalf of the complainant to pursue the matter. It appears that the complainant is satisfied, therefore nobody was present on behalf of the complainant.

5. In view of above facts and discussions, the present execution application is disposed of being fully satisfied.

6. Since the payment has already been made by the respondent, the complainant is hereby directed to get all the documents cancelled in compliance of order dated 01.02.2024 passed by this Authority from the office of concerned Sub Registrar within one month from the receipt of copy of this order.

Announced



(Binod Kumar Singh)  
Member, RERA, Punjab

Rera, Punjab