



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 & pachairrera@punjab.gov.in

1. **Execution Application No.** :- 51/2024 In GC No. 0211/2022
2. **Name & Address of the complainant (s)/ Allottee** :-
 1. Sh. Manohar Singh Kanwar s/o Sh. Sarwan Singh Thakur
 2. Ms. Chand Rani w/o Sh. Manohar Singh Kanwar
(Both residents of Flat No. 404, Block B, Royale Empire, Peermuchalla, Zirakpur, Punjab).
3. **Name & Address of the respondent (s)/ Promoter** :- M/s. ATS Estates Pvt. Ltd., 711/92, Deepali, Nehru Place, New Delhi - 110019
4. **Date of filing of Execution Application** :- 06.06.2024
5. **Name of the Project and Address** :- ATS Golf Meadows Lifestyle
6. **RERA Registration No. of Project** :- PBRERA-SAS79-PR0007
7. **Name of Counsel for the complainant, if any.** :- Ms. Saloni, Advocate for the complainant.
8. **Name of Counsel for the respondent, if any.** :- Sh. Hardeep Saini, Advocate for the respondent.
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 for execution of order dated 05.05.2022.
10. **Date of Order** :- 14.01.2025

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

The present application has been filed by the Applicant for execution of order dated 19.01.2024.

2. This Authority by way of an order u/s. 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred as the 'Act, 2016') dated 19.01.2024 has held in the case '*Manohar Singh Kanwar & Anr. Vs. ATS Estate Pvt. Ltd.*' that the respondent shall be liable to refund Rs.19,73,125/- alongwith interest at the rate of 10.85% per annum from the date of payment till the date of its realisation. For ready reference, relevant extract of order dated 19.01.2024 is reproduced hereunder:-

"24. As a result of the above discussion, this complaint is accordingly accepted and respondent is directed to refund Rs.19,73,125/- along with interest at the rate of 10.85% per annum (today's highest MCLR rate of 8.85% plus 2%)



prescribed in Rule 16 of the Punjab State the Real Estate (Regulation and Development) Rules, 2017. It is also further directed that the refund along with interest should be made within the time stipulated under Rule 17 of the Punjab State Real Estate (Regulation and Development) Rules, 2017 from the date of issue of the order.”

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 19.01.2024 was duly served on the Respondent.

4. Accordingly, on 06.06.2024 the present applicant filed the execution application No. 51 of 2024, before Real Estate Regulatory Authority, Punjab (Henceforth referred as Authority) requesting to direct M/s. ATS Estates Pvt. Ltd. to refund the amount alongwith interest, till the filing of present execution application.

5. In consequence of filing of execution application, a notice was issued to Respondent i.e., M/s. ATS Estates Pvt. Ltd. to appear and submit reply. However, the respondent joined the proceedings on 06.08.2024 and filed objections to the execution application in October, 2024.

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 19.01.2024 in main complaint. Further, perusal of the file nowhere objects regarding the claim sought by the applicant in the present execution application. Ld. Counsel for the applicant further stated that the respondent had not filed any appeal against the said order dated 19.01.2024 passed u/s. 31 of the RERD Act, 2016 till date.

7. In view of the above factual matrix, the respondent could not comply with the orders passed u/s. 31 of the Real Estate (Regulation and Development) Act, 2016 dated 19.01.2024 and requested to issue recovery certificate for non-compliance of abovesaid orders. 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 it has no objection in this regard.

8. Based on the written and oral submissions of both the applicant and respondent, it is held that the respondent had failed to comply with orders passed u/s. 31 of the Real Estate (Regulation and Development) Act, 2016 dated 19.01.2025. In these circumstances, the respondent is directed to refund Rs.19,73,125/- alongwith arrears of interest accrued over it @ 10.85% per annum from the date of payment till the date of this order i.e., Rs.17,84,293/- (**totaling to Rs.37,62,418/-**). 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. Therefore, the calculation of refunds and interest upto 31.12.2024 is calculated as follows:-

Actual date of payment	Interest payable from	Principal Amount Paid	Interest Calculated till	Rate of Interest as per order	Tenure	Interest Amount
1	2	3	4	5	6	7
19.03.2016	01.04.2016	3,59,125.00	31.12.2024	10.85%	105 months	3,40,944.00
07.04.2016	01.05.2016	2,00,000.00	31.12.2024	10.85%	104 months	1,88,067.00
10.06.2016	01.07.2016	75,000.00	31.12.2024	10.85%	102 months	69,169.00
23.07.2016	01.08.2016	1,00,000.00	31.12.2024	10.85%	101 months	91,321.00
13.08.2016	01.09.2016	1,00,000.00	31.12.2024	10.85%	100 months	90,417.00
27.08.2016	01.09.2016	1,00,000.00	31.12.2024	10.85%	100 months	90,417.00
09.09.2016	01.10.2016	1,00,000.00	31.12.2024	10.85%	99 months	89,513.00
13.10.2016	01.11.2016	1,00,000.00	31.12.2024	10.85%	98 months	88,608.00
15.11.2016	01.12.2016	1,00,000.00	31.12.2024	10.85%	97 months	87,704.00
27.11.2016	01.12.2016	7,39,000.00	31.12.2024	10.85%	97 months	6,48,134.00
	TOTAL	19,73,125.00				17,89,293.00
GRAND TOTAL (PRINCIPAL AMOUNT + INTEREST AMOUNT)						37,62,418.00

9. The total amount due upto 31.12.2024 amount to Rs.37,62,418/- and the respondents are 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 19.01.2024 and the respondents were legally bound to make the said payment within 90 days of the order.

10. Further, the respondent will make payment of Rs.34,018/- per month for the delayed period after 01.01.2025. The respondent i.e. M/s. ATS Estates Pvt. Ltd. is therefore held liable for an amount of Rs.37,62,418/- as on 31.12.2024 and further in addition of Rs.34,018/- as interest will be added per month till the recovery



is fully affected. The respondent is further directed to refund the above amount at the earliest. The recovery may be effected accordingly. In the result, the execution application is **allowed**. The Secretary of this Authority is hereby directed to further issue the Recovery Certificate and send it to the appropriate authority for necessary action.


Chandigarh
Dated: 14.01.2025




(Rakesh Kumar Goyal),
Chairman,
RERA, Punjab

A copy of the above order may be sent by the Registry of this Authority to the followings as well as for their further necessary action:-

1. Sh. Manohar Singh Kanwar s/o Sh. Sarwan Singh Thakur
2. Ms. Chand Rani w/o Sh. Manohar Singh Kanwar
(Both residents of Flat No. 404, Block B, Royale Empire, Peermuchalla, Zirakpur, Punjab).
3. M/s. ATS Estates Pvt. Ltd., 711/92, Deepali, Nehru Place, New Delhi - 110019
4. The Master File.
5. The Record File.


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