



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.** :- 73/2024 in GC No. 0373/2021
2. **Name & Address of the Applicant-Complainant (s)/ Allottee** :-
 1. Sh. Parvesh Khurana
s/o Sh. O.P. Khurana,
 2. Smt. Usha Khurana
s/o Sh. O.P. Khurana
(Both r/o H.No. 2043, Sector 67, Jalvayu Vihar, Mohali)
3. **Name & Address of the respondent (s)/ Promoter** :-
 1. Aeropolis Infrastructure Pvt. Ltd.,
Aeropolis City, Sector 66-A,
SAS Nagar, Mohali, Punjab – 160062.
 2. Sukhm Infrastructure Pvt. Ltd.,
Aeropolis City, Sector 66-A,
SAS Nagar, Mohali, Punjab – 160062.
4. **Date of filing of Execution Application** :- 20.09.2024
5. **Name of the Project and Address** :- Aeropolis City
6. **RERA Registration No. of Project** :- PBRERA-SAS81-PM0089
7. **Name of Counsel for the Applicant-complainant, if any.** :- Sh. Vipin Kumar and Sh. Mandeep Singh, Advocates
8. **Name of Counsel for the respondent, if any.** :- None.
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 against order dated 29.11.2023
10. **Date of Order** :- 25.03.2025

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 29.11.2023.

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 29.11.2023 has held in the case '*Parvesh Khurana & Anr. Vs. Aeropolis Infrastructure Pvt. Ltd. & Anr.*' that the respondent shall be liable to pay interest @ 10.75% per annum w.e.f. 01.08.2017 till a valid offer of possession.

3. The Respondents neither handed over the possession to the applicant nor has paid interest. The order passed u/s. 31 of the Real Estate (Regulation and Development) Act, 2016 dated 29.11.2023 was duly served on the Respondent.

Accordingly, vide Diary No. 7059 dated 20.09.2024, the present applicant filed the execution application No. 73 of 2024, before Real Estate Regulatory Authority, Punjab (Henceforth referred as Authority) requesting to direct the respondents to comply with the order dated 29.11.2023 passed u/s. 31 of the RERD Act, 2016.



5. In consequence of filing of execution application, a notice was issued to Respondents i.e., M/s. Aeropolis Infrastructure Pvt. Ltd. & M/s. Sukhm Infrastructure Pvt. Ltd. to appear and submit reply. However, despite service of notice and reminders, the respondent neither filed any reply nor anyone has come present for attending the proceedings. Sufficient opportunities were given to the respondents to file their reply alongwith explaining the reasons for not filing the reply on the dates prescribed vide order dated 24.09.2024; 21.11.2024 & 21.01.2025. Today again when the matter was taken-up no one again attended the proceedings and the reminder notices alongwith copy of the order were duly served upon the respondents through post/email.

6. 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. In view of the above factual matrix, the respondents could not comply with the orders passed u/s. 31 of the Real Estate (Regulation and Development) Act, 2016 dated 29.11.2023. Despite availing sufficient three opportunities i.e. 24.09.2024; 21.11.2024 & 21.01.2025 in the present execution, no one appeared on behalf of respondent therefore the matter is being decided on the basis of the material available on record. The Ld. Counsel for the applicant stated that the respondent had not filed any appeal against the said order dated 29.11.2023 passed u/s. 31 of the RERD Act, 2016 till date. In this case, the order passed u/s 31 dated 29.11.2023 by the Bench of Sh. Satya Gopal, the then Chairman reads as follows:-

"17. To ascertain the extent of delay, I would hold that the agreement dated 19.01.2015 has to be taken into account. Therefore possession was to be given by July 2017 instead of July 2015. A grace period of 2 years would be admissible as has been allowed by the Authority in a number of cases relating to this project. The due date for delivery of possession is therefore fixed as 01.08.2017.

18. As a result of the above discussion, it is concluded that possession of the plot/unit has not been handed over to the complainants till today. Accordingly, this complaint is accepted and respondents are directed to pay interest as prescribed under Rule 16 of the Punjab State Real Estate (Regulation and Development) Rules, 2017 at the rate of 10.75% per annum (today's highest MCLR rate of 8.75% plus 2%) from 01.08.2017 till a valid offer of possession is made after obtaining the Completion Certificate. Since the payment was made quite some time ago and there is yet no indication of the time by which possession would be offered, it is directed that the respondents shall pay the interest accrued till the date of passing of this order within a period of two months from the date of receipt of this order. The rest of the accrued interest shall be credited at the time of handing over of possession after obtaining the Completion Certificate."

The promoter has not filed any appeal before any Authority including Real Estate Appellate Tribunal, Punjab as per the information available on record.

8. Based on the written and oral submissions of the applicant and the material available on record, 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 29.11.2023. In these circumstances, the respondent is directed to pay delayed interest on the principal amount i.e., Rs.45,00,000/- paid by the applicant w.e.f. 01.08.2017 till a valid offer of possession. Arrears of delayed interest accrued on it till 31.03.2025 i.e., Rs.37,08,750/-. 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. The details of payment made and interest accrued thereupon is given as under:-

Principal Amount	Period (in months)	Delay of months	Interest rate (@ 8.75% SBI's Highest MCLR Rate + 2%)	Interest amount due Upto 28.02.2025
A	B	C	D	E
Rs.45,00,000/-	(01.08.2017 to 31.03.2025)	8 years 8 months	@10.75%	Rs.37,08,750/-

11. The amount due upto 31.03.2025 amount to Rs.37,08,750/- 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 29.11.2023 and the respondents were directed to make the said payment within 90 days of the order.

12. Further, the respondent will make payment of Rs.40,312/- per month for the delayed period from 01.04.2025 on account of interest on delayed period. The respondents i.e. M/s. Aeropolis Infrastructure Pvt. Ltd. & M/s. Sukhm Infrastructure Pvt. Ltd. is therefore held liable for an amount of Rs. Rs.37,08,750/- as on 01.04.2025 and further in addition of Rs.40,312/- as interest will be added per month till the recovery is fully affected. The respondent is further directed to handover the due possession 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: 25.03.2025




(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. Parvesh Khurana s/o Sh. O.P. Khurana,
2. Smt. Usha Khurana s/o Sh. O.P. Khurana
(Both 1 & 2 are r/o H.No. 2043, Sector 67, Jalvayu Vihar, Mohali)
3. Aeropolis Infrastructure Pvt. Ltd., Aeropolis City, Sector 66-A, SAS Nagar, Mohali, Punjab – 160062.
4. Sukhm Infrastructure Pvt. Ltd., Aeropolis City, Sector 66-A, SAS Nagar, Mohali, Punjab – 160062.
5. The Secretary, RERA, Punjab.
6. Director (Legal), RERA, Punjab.
7. The Master File.
8. The Record File.


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