

**Before Shri Binod Kumar Singh, Member,
Real Estate Regulatory Authority, Punjab**

Execution No. 60 of 2023 in
Complaint No.ADC1729 of 2020
BFTR TR-AUTH-0070 of 2022
Dated of Decision: 18.06.2025

Prateek Sharma, Village Birni, P.O. Kandaghat, District Solan, Himachal Pradesh, Pin Code 173215.

.....Complainant

Versus

Omaxe Chandigarh Extension Developers Pvt Ltd, Daleep Moudgil, Building No.11, First Floor LSC, Kalkaji, New Delhi, Delhi, Pin Code 110019. .

....Respondent

Present: Sh. D.D. Sharma, Advocate, for the complainant
Sh. Arjun Sharma, Advocate, for the respondent

ORDER

This is an application for execution of order dated 19.05.2022 passed by the then learned Bench of Member (Ajay Pal Singh) vide which the respondent was directed to refund the amount deposited by the complainant along with interest, the relevant portion of which is as under:

"13. In view of above discussions, the respondent is directed to refund the amount of Rs.58,62,650.25 to the complainant, along with interest as per State Bank of India highest Marginal Cost of Lending Rate (as of today) plus 2% in view of the provisions of Section 18(1) of the Act read with Rule 16 of the Punjab State (Regulation and Development) Rules 2017, with effect from the respective dates of payments till refund and this amount shall be paid within ninety days from the date of this order.

14. The complaint is accordingly disposed of as partly allowed...."

2. The brief facts of original complaint bearing No. AdC 1729 of 2020 BFTR-AUTH-0070 of 2022 filed by the complainant under Section 31 of Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the Act of 2016) are that he booked one residential flat No.TLC/Victoria-A/Seventh/704 in Group Housing (The Lake) at Omaxe New Chandigarh for a total sale consideration of Rs.64,27,490/-, out of which the complainant paid an amount of Rs.58,62,650.25, by 29.10.2019. The last instalment, as per schedule of payment, was due at the time of offer of possession. It is further the case of the complainant that, the respondent had assured to deliver possession of the flat within forty-two months from the date of receipt of booking amount on 23.05.2014 i.e. by 23.11.2017 and, with a grace period of 6 months, by 23.05.2018. It is alleged that, despite lapse of more than five years, the project has not been completed and possession has not been delivered to the complainant. The complainant has sought refund of the entire amount paid by him, along with interest. Upon notice, after considering the pleadings of both the parties, the order dated 19.05.2022 was passed, the relevant portion of which has already been reproduced in para no.1 above.

3. Since the respondent has not complied with the original order dated 19.05.2022 within the stipulated period of ninety days, the complainant filed the instant execution application seeking amount of Rs.1,05,656/- as there is difference of short of amount of interest. Complainant admitted in the execution application that the respondent had paid a total sum of Rs.90,68,797/- to the complainant.


4. Upon notice of this execution application, Shri Arjun Sharma, Advocate appeared for the respondent and sought time to file reply/objections. However, despite granting/availing various opportunities no reply/objections were filed by the respondent.

5. It is noteworthy that in compliance of order dated 20.03.2025, respondent submitted the calculation sheet. On the basis of this calculation sheet submitted by the respondent, the Finance and Accounts Branch of this Authority calculated the interest of Rs.32,64,254/- on the principal amount of Rs.58,62,650/- totalling to Rs.91,26,904/- calculated at the rate 9.50% p.a with effect from 23.05.2014 till 31.07.2022.

6. It is the admitted case of the complainant that he had already received a sum of Rs.90,68,797/- from the respondent. Thus, the complainant is entitled for the remaining amount of Rs.58,107/- (Rs.91,26,904.00 - Rs.90,68,797.00 = Rs.58,107.00).

7. In view of above discussion, a decree of Rs.58,107/- is passed in favour of the complainant and against the respondent. Respondent is directed to make the above payment within 2 months from the date of issue of this order, and thereafter submit a compliance report to this Authority. In case of non-compliance of this order by respondent the Registry of this Authority is directed to issue a Recovery Certificate to the concerned District Collector.

8. It may be noteworthy that any failure to comply with or contravention of any order, or direction of Authority may attract penalty under Section 63 of the Act of 2016.


(Binod Kumar Singh)
Member, RERA, Punjab