



Real Estate Regulatory Authority, Punjab

First Floor, Block-B, Plot No. 3, Sector-18 A, Madhya Marg, Chandigarh – 160018

Before the Real Estate Regulatory Authority, Punjab.

Phone No. 0172-5139800, email id: pschairrera@punjab.gov.in & pachairrera@punjab.gov.in

- | | | |
|--|----|---|
| 1. Execution Application No. | :- | 69/2024 in GC No. 0187/2023 |
| 2. Name & Address of the Applicant-Complainant (s)/ Allottee | :- | Smt. Neha
w/o Sh. Jitesh Parmar
R/o H. No. 37, Village Chhotepur,
Pathankot, Punjab-145023. |
| 3. Name & Address of the respondent (s)/ Promoter | :- | M/s Omaxe New Chandigarh Developers
Pvt. Ltd., Omaxe India Trade Tower, First
Floor, Chandigarh-Siswan Road, New
Chandigarh, District SAS Nagar, Punjab-
140901 |
| 4. Date of filing of Execution Application | :- | 29.08.2024 |
| 5. Name of the Project and Address | :- | The Lake |
| 6. RERA Registration No. of Project | :- | PBRERA-SAS80-PR0040 |
| 7. Name of Counsel for the Applicant-complainant, if any. | :- | Sh. Mohd. Sartaj Khan, Advocate |
| 8. Name of Counsel for the respondent, if any. | :- | Sh. Arjun Sharma, Advocate. |
| 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 16.04.2024 |
| 10. Date of Order | :- | 12.03.2025 |

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 16.04.2024.

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 16.04.2024 held in the case '*Neha Vs. M/s Omaxe New Chandigarh Developers Pvt. Ltd.*' that the respondent shall be liable to pay interest @ 10.85% per annum w.e.f. 01.08.2021 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 16.04.2024 was duly served on the Respondent.

4. Accordingly, vide Diary No. 6415 dated 29.08.2024, the present applicant filed the execution application No. 69 of 2024, before Real Estate Regulatory Authority, Punjab (Henceforth referred as Authority) requesting to direct the respondents to comply with the order dated 16.04.2024 passed u/s. 31 of the RERD Act, 2016.

5. In consequence of filing of execution application, a notice was issued to Respondent i.e., M/s Omaxe Chandigarh Extension Developers Pvt. Ltd. to appear and submit reply. Despite service of notice and reminders, no reply has been filed by the respondent. Further, vide order dated 29.01.2025, both the parties were directed to file their respective calculation sheets duly signed by the Chartered Accountant. The complainant has filed the same. However, the respondent has failed to submit the same despite clear instructions.

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 16.04.2024. Despite availing sufficient opportunities i.e. 07.10.2024, 03.12.2024, 29.01.2025 & 12.02.2025 in the present execution, no reply has been filed on behalf of respondent and further no calculation sheet has been filed by the respondent as directed vide order dated 29.01.2025, therefore, **the defence of the respondent is struck off** and the present 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 16.04.2025 passed u/s. 31 of the RERD Act, 2016 till date. In this case, the order passed u/s 31 dated 16.04.2025 by Sh. M.S. Jaggi, Real Estate Regulatory Authority, reads as follows:-

"Further, it is apparent on record that delay of many months has taken place in handing over possession to the complainant and it is likely to get further delayed since certain formalities / certification are still pending on the part of the respondent. Till date possession has not been handed over to the complainant by the respondent. From the pleadings of the parties it is clear that there is no dispute between the parties about the deposit of the amount of Rs. 79,36,408/- and date of delivery of possession as 31.07.2021.

18. *As a result of the above discussion, this complaint is accordingly accepted and it is held that the complainant is entitled for the payment of interest from the respondent for the period of delay in handing over possession. The respondent is accordingly hereby directed to pay interest from 01.08.2021 on the amount of Rs. 79,36,408/- at the rate of 10.85% per annum (today's highest MCLR rate of 8.85% plus 2%) as prescribed in Rule 16 of the Punjab State Real Estate (Regulation and Development) Rules, 2017 till a valid offer of possession is made after obtaining the Occupancy Certificate. It is also further directed that the payment of 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."*

The respondent / 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 16.04.2024. In these circumstances, the respondent is directed to pay delayed interest on the amount of Rs.79,36,408/- paid by the applicant w.e.f. 01.08.2021 till a valid offer of possession.

Arrears of delayed interest accrued on it till 31.03.2025 i.e. Rs.31,25,880/-. 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 18.03.2025
A	B	C	D	E
Rs.79,36,408/-	(01.08.2021 to 31.03.2025)	3 years 8 months	@10.85%	Rs.31,57,367/-

11. The amount due upto 31.03.2025 amount to Rs.31,57,367/- and the respondent is 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 16.04.2024 and the respondent is directed to make the said payment within 90 days of the order.

12. Further, the respondent will make payment of Rs.71,758/- per month for the delayed period from 01.04.2025 on account of interest on delayed period. The respondent i.e. M/s Omaxe New Chandigarh Developers Pvt. Ltd. is therefore held liable for an amount of Rs.31,57,367/- as on 31.03.2025 and further in addition of Rs.71,758/- 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 Debt Recovery Certificate and send it to the jurisdiction authority under Punjab Land Revenue Act, 1887 for recover it as Debt and for necessary action. Further, Smt. Neha is held as Decree Holder and M/s Omaxe New Chandigarh Developers Pvt. Ltd. as Judgment Debtor for the purposes of recovery of the amounts due as calculated in the table supra. The amount of Rs.31,57,367/- interest payable upto 31.03.2025 and further a sum of Rs. 71,758/- per month from 01.04.2025 onwards is held "Land Revenue" as per the provisions Section 40(1) of Real Estate (Regulation and Development) Act, 2016 and to be collected as Land Revenue under the provisions of the Punjab Land Revenue Act, 1887. The said amounts are to be collected as "Land Revenue" as per the provisions of Punjab Land Revenue Act, 1887 and Punjab Land Revenue Rules, 1909 by the authorities prescribed /authorized under the said Act and Rules.

Chandigarh
Dated: 12.03.2025

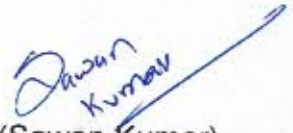

(Binod Kumar Singh)
Member


(Rakesh Kumar Goyal)
Chairman


(Arunvir Vashista)
Member

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. Smt. Neha w/o Sh. Jitesh Parmar, R/o H. No. 37, Village Chhotepur, Pathankot, Punjab-145023.
2. M/s Omaxe New Chandigarh Developers Pvt. Ltd., Omaxe India Trade Tower, First Floor, Chandigarh-Siswan Road, New Chandigarh, District SAS Nagar, Punjab-140901
3. The Secretary, RERA, Punjab.
4. Director (Legal), RERA, Punjab.
5. The Master File.
6. The Record File.


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