



Real Estate Regulatory Authority, Punjab

First Floor, Block-B, Plot No. 3, Sector-18 A, Madhya Marg, Chandigarh – 160018
Phone No. 0172-5139800, email id: pschairrera@punjab.gov.in & pachairrera@punjab.gov.in

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| 1. Execution Application No. | :- | 70/2024 in GC No. 0041/2021 |
| 2. Name & Address of the Applicant-Complainant (s)/ Allottee | :- | Ms. Seema Kochar & Anoop Kochar, House No. 383, 1 st Floor, Panchkula, Haryana - 134112 |
| 3. Name & Address of the respondent (s)/ Promoter | :- | M/s. Hamilton Land Developers Pvt. Ltd., 338, New Jawahar Nagar, Distt. Jalandhar, Punjab – 144001 through its MD |
| 4. Date of filing of Execution Application | :- | 12.09.2024 |
| 5. Name of the Project | :- | Hamilton Mayfair Residency |
| 6. RERA Registration No. of Project | :- | PBRERA-JAL33-PR0021 |
| 7. Name of Counsel for the Applicant-complainant, if any. | :- | Sh. Vipul Sachdeva, Advocate |
| 8. Name of Counsel for the respondent, if any. | :- | Sh. Parusha Shridhar, Proxy Advocate for Sh. Rana Gurtej Singh, 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 08.10.2021. |
| 10. Date of Order | :- | 07.04.2025 |

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

The present application has been filed by the Applicant for execution of order dated 08.10.2021.

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 08.10.2021 has held in the case 'Seema Kochar & Anr. Vs. Hamilton Land Developers Pvt. Ltd.' that the respondent shall be liable to pay interest @ 9.30% per annum w.e.f. 01.10.2019 till a valid offer of possession. For ready reference, relevant extract of order dated 08.10.2021 is reproduced hereunder:-

"10. In view of the above, the following is ordered:-

- i. The respondent shall be liable to pay interest @ 9.30% per annum (today's highest MCLR rate of 7.30% plus 2%) for the delay in handing over possession to the complainant **w.e.f. 01.10.2019 till he makes a valid offer of possession after obtaining Occupancy/Completion Certificate.**
- ii. The amount payable by the complainant, if any, shall be adjusted against the interest payable by the respondent, at the time of valid offer of possession.
- iii. No other relief is made out."

[Emphasis supplied]

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 08.10.2021 was duly served on the Respondent.
4. Accordingly, vide Diary No. 6892 dated 12.09.2024, the present applicant filed the execution application No. 70 of 2024, before Real Estate Regulatory Authority, Punjab (Henceforth referred as Authority) requesting to direct the respondents to comply with the order dated 08.10.2021 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. Hamilton Land Developers Pvt. Ltd. to appear and submit reply. However, the respondent joined the proceedings on 08.01.2024 and subsequently objection/reply dated 17.03.2025 to the execution application was filed.
6. On 08.01.2025 following orders were passed by this Authority for necessary compliances of both the parties:-

*Present: Mr. Vipul Sachdev, Advocate for the complainant/DH
Ms. Parusha Shridhar, Advocate for the respondent/JD*


Ms. Parusha Shridhar, Advocate attended the proceedings. There is no Vakalatnama by the counsel of the respondent/ JD. The order was passed on 8th October, 2021 and it is more than three years that it has not been complied with by the promoter. The complainant has filed the calculation sheet calculating the interest on an amount of Rs.16,35,234.82 upto 31st August, 2024. The respondent is directed to file its objection, if any on the said calculation in writing on or before 3rd February 2025 to this Authority through registered post/speed post/reputed courier or submit at the receipt counter of this Authority and/by speed post/Email to the complainant. In case of non-filing the same for any reason, it may be filed on the next working day and so on till the next date of hearing by explaining the reasons of delay in compliance for each single day.


To come up on 19.02.2025 at 11.30 a.m. for filing the reply/ objections, if any by the respondent."

7. Subsequent to that adjournments were sought by the respondents to file its objections. On 19.03.2025, when the matter was taken-up, Ld. Counsel for the applicant stated that as per order dated 08.10.2021, the respondent had failed to offer possession. Also it had failed to paid the interest allowed w.e.f. 01.10.2019, to which Ld. Counsel for the respondent was asked as to whether the respondent had offered the possession or not? The Ld. Counsel for the respondent answered in negative. Also, there is no evidence regarding the same in the file. Further, 3 years 5 months had also passed since the passing of the order, but nothing concrete has been done by respondent.

the Secretary of the Authority is directed to effect the recovery accordingly by issuing a Debt Recovery Certificate (DRC). The said Debt Recovery Certificate will be sent to the Revenue Authorities for recovery of Rs.18,26,785/-. The Revenue Authorities will recovery and add recovery on amount of Rs.27,678/- per month (whole month) also in addition to the amount of Rs.18,26,728/- for any delay in payment by Judgment Debtor/Promoter from 01.04.2025 onwards. Seema Kochar & Anoop Kochar are held to be Decree Holder of an amount of Rs.18,26,785/- plus Rs.27,678/- per month (after 01.04.2025) and M/s. Hamilton Land Developers Pvt. Ltd. as Judgment Debtor. Interest calculated is given in the table given supra. Further the promoter i.e. M/s. Hamilton Land Developers Pvt. Ltd. is directed to construct the project and Flat No.1001 (4BHK + Servant Quarter), on 10th Floor of Tower Burj, in project named Hamilton Mayfair, Jalandhar expeditiously so as to handover the due and valid possession as per procedure prescribed under the RERD Act, 2016 and related laws and making due compliances.

13. The Secretary of this Authority is hereby directed to further issue the Recovery Certificate immediately and send it to the appropriate authority for necessary action.


(Arunvir Vashista)
Member, RERA, Punjab



(Binod Kumar Singh)
Member, RERA, Punjab

Place: Chandigarh
Dated: 07.04.2025


(Rakesh Kumar Goyal)
Chairman, RERA, Punjab

A copy of the above order may be sent by the Registry of this Authority to the followings:-

1. Ms. Seema Kochar & Anoop Kochar, House No. 383, 1st Floor, Panchkula, Haryana - 134112.
2. M/s. Hamilton Land Developers Pvt. Ltd., 338, New Jawahar Nagar, Distt. Jalandhar, Punjab - 144001 through its MD
3. The Secretary, RERA, Punjab.
4. Director (Legal), RERA, Punjab.
5. The Complaint File.
6. The Master File.


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