



Real Estate Regulatory Authority, Punjab

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| 1. Execution Application No. | :- | 63/2024 in GC No. 1488/2019TR |
| 2. Name & Address of the Applicant-Complainant (s)/ Allottee | :- | Ms. Varjinder Kaur r/o H.No. 3411, Sector 27-D, Chandigarh - |
| 3. Name & Address of the respondent (s)/ Promoter | :- | M/s. Citi Centre Developers through its Managing Director/Director/Authorised Representative, Chandigarh City Centre, VIP Road, Zirakpur, Distt. SAS Nagar (Mohali). |
| 4. Date of filing of Execution Application | :- | 17.07.2024 |
| 5. Name of the Project | :- | Chandigarh Citi Centre |
| 6. RERA Registration No. of Project | :- | PBRERA-SAS79-PC0010 |
| 7. Name of Counsel for the Applicant-complainant, if any. | :- | Sh. Sahil, Advocate |
| 8. Name of Counsel for the respondent, if any. | :- | Ms. Ravneet Kaur, Advocate |
| 9. Section and Rules under which order is passed | :- | Section 40(1) of the RERD Act, 2016 r.w. Rule 24 of Pb. State RERD Rules, 2017 against order dated 12.03.2021. |
| 10. Date of Order | :- | 07.04.2025 |

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

The present application has been filed by the Applicant for execution of order dated 12.03.2021.

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 12.03.2021 has held in the case 'Varjinder Kaur & Anr. Vs. M/s. Citi Centre Developers' that the respondent shall be liable to pay interest @ 9.30% per annum w.e.f. 01.01.2019 till a valid offer of possession. For ready reference, relevant extract of order dated 12.03.2021 is reproduced hereunder:-

"11. Accordingly, this authority is left with no doubt that the complainants are entitled to the following reliefs:-

- i. *The respondent is directed to issue fresh offer of possession after complete compliance of Condition 6 of the partial completion certificate issued by the competent authority.*
- ii. *As provided in Section 18(1) of the Act, read with Rule 16 of the Punjab State (Regulation and Development) Rules 2017, the respondent shall pay interest w.e.f. 01.01.2019 (as the stipulated date for delivery of possession was 31.12.2018) as per State Bank of India's highest marginal cost of lending rate (as of today) plus 2% till the date of this order and this amount shall be paid within sixty days from this order.*
- iii. *In terms of Section 18(1) of the Act, read with Rule 16 of the Punjab State (Regulation and Development) Rules 2017, the respondent*

shall pay interest to the complainants from the date of this order till the date of offer of possession of the flat to the complainants after receiving the completion/ occupation certificate from the competent authority.

- iv. *The amount paid by the respondent as compensation, in terms of the buyers agreement dated 3.11.2017, for delay in delivery of possession shall be set off against the interest to be paid by the respondent u/s 18 of the Act.*
- v. *The other reliefs were not pressed, and hence not allowed.*

12. The complaint is accordingly disposed of as partly allowed. The complainants would be bound to pay any outstanding amounts, as per the agreement, before taking possession of the unit. It is made clear that the interest to be paid by the complainants for any delay in payment would also be the State Bank of India's highest marginal cost of lending rate (as of today) plus 2%."

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 12.03.2021 was duly served on the Respondent.

4. Accordingly, vide Diary No. 5347 dated 17.07.2024, the present applicant filed the execution application No. 63 of 2024, before Real Estate Regulatory Authority, Punjab (Henceforth referred as Authority) requesting to direct the respondents to comply with the order dated 12.03.2021 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. Citi Centre Developers to appear and submit reply. However, the respondent joined the proceedings on 07.11.2024 and subsequently objection to the execution application was filed.

6. On 05.02.2025 following orders were passed by this Authority for necessary compliances of both the parties:-

*"Present:- None for the complainant/ DH
Ms. Divya Jyoti Adv. for the respondent*

Nobody attended the proceedings on behalf of the complainant.

*However, an application was filed by the complainant for placing on record document from Punjab Pollution Control Board dated 29.05.2023. The complainant is directed to file calculation of the interest till 31st January 2025 as per the order 12.03.2021 duly certified by the Chartered Accountant. **The complainant is further directed to state whether this document is admissible at this stage of the proceedings. The respondent is directed to make the payment of the arrears as mentioned in the order passed u/s 31 of the Act.** Next date is 12.03.2025 at 11.30 a.m. Intimation be sent to the complainant/ DH through email."*

[Emphasis supplied]

7. On 12.03.2025, when the matter was taken-up, Ld. Counsel for the applicant stated that as per order dated 12.03.2021, the respondent had failed to offer fresh offer of possession. Also it had failed to paid the interest allowed w.e.f. 01.01.2019, to which Ld. Counsel for the respondent was asked as to whether the respondent had issued fresh offer

of possession or not? The Ld. Counsel for the respondent answered in negative. Also, there is no evidence regarding the same in the file. Further, 4 years had also been passed since the passing of the order, but nothing concrete has been done by respondent.

8. 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 12.03.2021. Ld. Counsel for the applicant further stated that the respondent had not filed any appeal against the said order dated 12.03.2021 passed u/s. 31 of the RERD Act, 2016 till date.

9. Based on the written and oral submissions of the applicant & respondent 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 12.03.2021. In these circumstances, the respondent is directed to pay delayed interest on the principal amount i.e. Rs.4,85,000/- paid by the applicant w.e.f. 01.01.2019 till a valid offer of possession. Arrears of delayed interest accrued on it till 31.03.2025 i.e. Rs.2,81,906/-. The payment has been calculated on the whole month basis. 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 (@ 7.30% SBI's Highest MCLR Rate + 2%)	Interest amount due Upto 31.03.2025
A	B	C	D	E
Rs.4,85,000/-	(01.01.2019 to 31.03.2025)	75 months	@9.30%	Rs.2,81,906/-

10. The amount due upto 31.03.2025 amount to Rs.2,81,906/- 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 12.03.2021 and the respondent was directed to make the said payment within 90 days of the order.

11. Further, the respondent will make payment of Rs.3,759/- per month for the delayed period from 01.04.2025 on account of interest on delayed period. The respondent i.e. M/s. Citi Center Developers is therefore held liable for an amount of Rs. Rs.2,81,906/- as on 31.03.2025 and further in addition of Rs.3,759/- as interest will be added per month till the recovery is fully affected. Further, Ms. Varjinder Kaur is held as Decree Holder and M/s Citi Centre Developers as Judgment Debtor for the purposes of recovery of the amounts due as calculated in the table supra. The amount of Rs.2,81,906/- interest payable upto 31.03.2025 and further a sum of Rs.3,759/- per month from 01.04.2025 onwards is held as "Land Revenue" under the provisions of Section 40(1) of RERD Act, 2016 read with Rule 24 of the Punjab Real Estate (Regulation & Development) Rules, 2017. The said amounts are to be collected as "Land Revenue" under 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.

12. 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 jurisdictional authority authorized under the Punjab Land Revenue Act, 1887 for recovery as Debt of Land Revenue and further necessary action.

Chandigarh

Dated: 07.04.2025



(Binod Kumar Singh)
Member


(Rakesh Kumar Goyal)
Chairman


(Arunvir Vashista)
Member

A copy of the above order be sent to the followings for further necessary action:-

1. M/s Citi Centre Developers, Chandigarh City Centre, VIP Road, Zirakpur, District SAS Nagar.
2. Varjinder Kaur R/o House No. 3411, Sector 27D, Chandigarh.
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.