



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.

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| 1. Execution Application No. | :- | 60/2024 in GC No. 0068/2022. |
| 2. Name & Address of the Applicant-Complainant (s)/ Allottee | :- | Sh. Subinay Bedi, son of Shri Bhupinder Singh Bedi, resident of # WT05/601, Experion Windchamps, Sector 112, New Palam Vihar, Gurgaon, Haryana-122017. |
| 3. Name & Address of the respondent (s)/ Promoter | :- | Greater Mohali Area Development Authority, PUDA Bhawan, Sector 62, Sahibzada Ajit Singh Nagar (Mohali), Punjab-160062. |
| 4. Date of filing of Execution Application | :- | 15.07.2024 |
| 5. Name of the Project and Address | :- | Purab Premium Apartments at Sector 88 and 89, SAS Nagar, Mohali |
| 6. RERA Registration No. of Project | :- | PBRERA-SAS81-PM0121 |
| 7. Name of Counsel for the Applicant-complainant, if any. | :- | Sh. Akshat Mittal, Advocate. |
| 8. Name of Counsel for the respondent, if any. | :- | Sh. Rudresh, Advocate |
| 9. Section and Rules under which order is passed | :- | Section 40(1) of the RERA Act, 2016 r.w. Rule 24 and 25 of Pb. State RERA Rules, 2017 against order dated 29.11.2023. |
| 10. Date of Order | :- | 07.07.2025 |

Order u/s. 40(1) of Real Estate (Regulation & Development) Act, 2016 r/w Rules 24 & 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 order u/s. 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred as the 'Act, 2016') dated 29.11.2023 held in the case 'Subinay Bedi Vs. GMADA' that the respondent shall be liable to refund Rs.75,27,900/- along with interest @ 10.75% per annum from the date of deposit till the date of its realisation. For ready reference, relevant extract of order dated 29.11.2023 is reproduced hereunder:-

"24. In view of overall facts and circumstances it is clear that the offer of possession dated 30.06.2016 was not in accordance with the agreed terms and conditions. Possession was supposed to be handed over by 22.05.2015, which the respondent has failed to do and a valid offer of possession still does not appear to be possible. Therefore Section 18 of the Real Estate (Regulation and Development) Act, 2016 is fully applicable to the present case and the complainant is entitled to withdraw from the project on this account. There is accordingly no need to give a finding on the issue of deviations from the specified plans and the brochure of the project, since refund is being allowed in any case under Section 18 of the Act.

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25. As a result of the above discussion, this complaint is accepted and the respondent is directed to refund the amount of Rs.75,27,900/- deposited by the complainant along with interest thereon 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 the date of deposit till the date of its refund. The payment should be made as per Rule 17 of the Punjab State Real Estate (Regulation and Development) Rules, 2017 i.e. within ninety days from the date of this order."

3. The Respondent neither paid the principal amount nor has paid its 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.

4. Accordingly, vide Diary No. 5279 dated 15.07.2024, the present applicant / complainant filed the present execution application No. 60 of 2024, before Real Estate Regulatory Authority, Punjab (Henceforth referred as Authority) requesting to direct the respondent 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 Respondent i.e. Greater Mohali Area Development Authority to appear and submit reply. Despite service of notice and reminders, no reply has been filed by the respondent. The order u/s 31 was passed on 29.11.2023 and promoter knew well to file reply. The application for execution was filed on 15.07.2024. Sh. Rudresh, Advocate attended proceedings on 16.12.2024 and 13.05.2025 on behalf of respondent. The applicant / complainant has filed the fresh calculation sheet showing the total recoverable amount of Rs.95,26,295/- upto 31.07.2025. The extract of the said calculation sheet is reproduced herein below for reference:-

ANNEXURE A

FRESH CALCULATION SHEET, BASED ON MONTHLY INTEREST CALCULATED TILL 31.07.2025

- Principle amount for loan sanctioned - Rs. 75,27,900/- (A)
- Interest upon principal amount- Rs. 95,26,295/- (B) calculated at 10.75% p.a. (Proof of MCLR is being attached w.r.t date of deposit, calculated till 31.07.2025, though calculation till date of realization. The detailed calculation is being enumerated hereunder in tabular format:-

Amount paid	Date of payment	Start date for purpose of calculation	Monthly days	Total interest @ 10.75% p.a. calculated w.r.t date of payment till 31.07.2025
₹ 6,00,000.00	20-06-2012	01-06-2012	157/4608	₹ 5,70,456/-
₹ 13,40,000.00	21-06-2012	01-07-2012	186/4776	₹ 12,24,300/-
₹ 10,18,000.00	29-11-2012	01-12-2012	161/4668	₹ 9,66,100/-
₹ 9,71,700.00	20-05-2013	01-06-2013	143/4443	₹ 8,26,200/-
₹ 9,26,800.00	27-01-2014	01-02-2014	137/4198	₹ 7,87,276/-
₹ 8,82,000.00	29-06-2014	01-07-2014	150/4076	₹ 7,00,900/-
₹ 8,39,000.00	01-11-2014	01-12-2014	147/3880	₹ 6,51,400/-
₹ 7,92,000.00	26-05-2015	01-06-2015	131/3714	₹ 6,04,200/-
Total Amount				Total interest ₹ 95,26,295/-
₹ 75,27,900				

- **Thus, the total amount to be received by the complainant would be Rs. 75,27,900/- (A) + Rs. 95,26,295/- (B) Interest till 31.07.2024) = Rs. 1,70,54,195/-** (One Crore Seventy Five Lakh Four Thousand One Hundred and Fifty Four and the interest component is still continuing.

Place: Chandigarh
Date: 7-7-24

(AKSHAT MITTAL)

Real Estate Advocate

Mittal Law Offices


81466-88166, mittallawoffice@gmail.com

Counsel for the Complainant (Deemed Holder)

6. Non-filing of the calculation or not objecting upon the amount claimed by the applicant in the present execution application *tantamounts* to admittance and presumption of this fact that the amount claimed by the applicant in this execution application is acceptable to the respondent and it has no objection in this regard.

7. I have duly considered the order passed u/s 31 dated 29.11.2023 and the application filed by the complainant. In view of the above factual matrix, it is held that the respondent could not comply with the orders passed u/s. 31 of the Real Estate (Regulation and Development) Act, 2016, dated 29.11.2023. Despite service of notice and availing opportunities i.e. 11.11.2024, 16.12.2024, 04.02.2025, 17.03.2025, 13.05.2025 & 07.07.2025 in the present execution, no reply has been filed on behalf of respondent and further no calculation sheet has been filed by the respondent, therefore, **the opportunity of filing the objection (defence) 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 29.11.2023 passed u/s. 31 of the RERD Act, 2016 till date.

8. Based on the written and oral submissions of the applicant and the material available on record, it is held that the **respondent i.e. Greater Mohali Area Development Authority** 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 refund Rs.75,27,900/- alongwith arrears of interest accrued over it @10.75% per annum from the date of payment till the date of this order i.e. Rs.95,73,293/- (totaling to Rs.1,71,01,193/-). 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 / respondent. Therefore, the calculation of refund and interest accrued over it upto 30.06.2025 is calculated as follows:-



Actual date of payment	Interest payable from	Principal amount paid	Interest calculate till	Interest rate as per order (@ 8.75% SBI's Highest MCLR Rate + 2%)	Tenure (in months)	Interest Amount payable till 30.06.2025
1	2	3	4	5	6	7
23.05.2012	01.06.2012	Rs.6,90,000/-	30.06.2025	10.75%	157	Rs.9,70,456/-
21.06.2012	01.07.2012	Rs.13,80,000/-	30.06.2025	10.75%	156	Rs.19,28,500/-
22.11.2012	01.12.2012	Rs.10,16,600/-	30.06.2025	10.75%	151	Rs.13,75,163/-
20.05.2013	01.06.2013	Rs.9,71,750/-	30.06.2025	10.75%	145	Rs.12,62,263/-
27.01.2014	01.02.2014	Rs.9,26,900/-	30.06.2025	10.75%	137	Rs.11,37,577/-
23.05.2014	01.06.2014	Rs.8,82,050/-	30.06.2025	10.75%	133	Rs.10,50,926/-
-	01.06.2014	Rs.23,100/-	30.06.2025	10.75%	133	Rs.27,523/-

-	01.06.2014	Rs.7,950/-	30.06.2025	10.75%	133	Rs.9,472/-
21.11.2014	01.12.2014	Rs.8,37,200/-	30.06.2025	10.75%	127	Rs.9,52,489/-
20.05.2015	01.06.2015	Rs.7,92,350/-	30.06.2025	10.75%	121	Rs.8,58,874/-
	Total	Rs.75,27,900/-		10.75%		Rs.95,73,293/-
Grand Total (PRINCIPAL AMOUNT + INTEREST AMOUNT)						Rs.1,71,01,193/-

9. The total amount due upto 30.06.2025 amounts to Rs.1,71,01,193/- 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 29.11.2023 and the respondent was bound to make the said payment within 90 days of the order. In addition to the above adjudicated dues, the respondent shall remain liable to pay further monthly delay interest at the rate of Rs.67,437/- per month from 01.07.2025 onwards on the principal amount of Rs.75,27,900/-, which shall continue to accrue until it is paid .

10. Hence, the respondent/promoter is liable to pay a total amount of Rs. 1,71,01,193/- upto 30.06.2025 (i.e. Principal amount of Rs. 75,27,900/- and interest of Rs.95,73,293/-), and any amount due as interest w.e.f. 01.07.2025 of Rs.67,437/- per month onwards on the principal of Rs. 75,27,900/- till it is paid. Any amount paid by the respondent/promoter first will be considered as payment against the interest whatever is due. After payment of whole of interest only then the payment will be considered against principal and accordingly the principal will be reduced and interest will be charged on the balance/reduced principal amount till the whole principal amount is fully paid. Even any payment after reduction in principal amount will be first considered towards interest payment which has become due on the reduced principal, if any

11. The amount of Rs.1,71,01,193/- and further a sum of Rs.67,437/- per month to be payable as interest per month from 01.07.2025 are held to be "Land Revenue" prescribed u/s. 40(1) of the RERD Act, 2016 read with Rule 24 of the Punjab State Real Estate (Regulation & Development) Rules, 2017 for the purposes of collecting of it from the promoter under the Punjab Land Revenue Act, 1887. The said amounts are to be collected as Land Revenue by the Competent Authorities as provided/authorised in the Punjab Land Revenue Act, 1887 read with section 40(1) of the Real Estate (Regulation and Development) Act, 2016.

12. The Secretary of this Authority is directed to issue the Recovery Certificate immediately for recovery of the adjudicated amount of Rs.1,71,01,193/- as interest payable till 30.06.2025 and send it to the jurisdictional authority under Punjab Land Revenue Act, 1887 to recover the same as "Land Revenue" and for necessary action. 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. Further, Sh. Subinay Bedi is held as Decree Holder and Greater Mohali Area Development Authority as Judgment Debtor for the purposes of recovery of the amounts due as calculated in the table supra. The respondent (judgment debtor) and the complainants (decree holders) are directed to inform the Secretary of this Authority regarding any payments made towards compliance, so that appropriate entries may be made in the official records.

13. In the result, the present Execution Application is **allowed**.


Chandigarh
Dated: 07.07.2025




(Rakesh Kumar Goyal)
Chairman
RERA Punjab

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

1. Sh. Subinay Bedi, son of Shri Bhupinder Singh Bedi, resident of # WT05/601, Experion Windchants, Sector 112, New Palam Vihar, Gurgaon, Haryana-122017.
2. Chief Administrator, Greater Mohali Area Development Authority, PUDA Bhawan, Sector 62, Sahibzada Ajit Singh Nagar (Mohali), Punjab-160062.
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.