



Real Estate Regulatory Authority, Punjab

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

Before the Bench of Sh. Rakesh Kumar Goyal, Chairman.

Phone No. 0172-5139800, email id: pschairmera@punjab.gov.in & pachairmera@punjab.gov.in

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| 1. Execution Application No. | :- | 109/2023 in GC No. 0310/2021 |
| 2. Name & Address of the complainant (s)/ Allottee | :- | 1. Ms. Sunita W/o Sh. Rajesh Kumar Chandel
2. Sh. Rajesh Kumar Chandel s/o Sh. Kartar Singh Chandel
(Both residents of Village Nalti, Tehsildar Ghumarwin, Distt. Bilaspur, Bilaspur, Himachal Pradesh – 174206) |
| 3. Name & Address of the respondent (s)/ Promoter | :- | M/s. ATS Estates Pvt. Ltd., Plot No. 16, Sector 135, Gautam Buddha Nagar, Noida, Uttar Pradesh – 110019. |
| 4. Date of filing of complaint | :- | 07.11.2022 |
| 5. Name of the Project and Address | :- | ATS Golf Meadows Lifestyle |
| 6. RERA Registration No. of Project | :- | PBRERA-SAS79-PR0007 |
| 7. Name of Counsel for the complainant, if any. | :- | Sh. Shubham Aggarwal & Ms. Suksham Aggarwal, Advocates for the complainant. |
| 8. Name of Counsel for the respondent, if any. | :- | Sh. Hardeep Saini, Advocate for the respondent. |
| 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 for execution of order dated 09.06.2022. |
| 10. Date of Order | :- | 27.10.2025 |

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 09.06.2022.

2. This Authority by way of a single order u/s. 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred as the 'Act, 2016') dated 09.06.2022 has held in the case 'Sunita & Anr. Vs. ATS Estate Pvt. Ltd.' that the respondent shall be liable to pay interest @ 9.50% per annum w.e.f. 01.07.2016 till a valid offer of possession. For ready reference, relevant extract of order dated 09.06.2022 is reproduced hereunder:-

"7. As a result of the above discussion this complaint is accepted and the respondent is directed to pay interest as prescribed rate (today's highest MCLR rate plus 2%) with effect from 01.07.2016 till a valid offer of possession is made after obtaining the Occupation Certificate. The amount already paid towards compensation is also allowed to be set off by the respondent."

3. As alleged by the applicant/complainant, 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 09.06.2022 was duly served on the Respondent.



4. Consequently, on 07.11.2022, the applicant filed the present Execution Application No. 109 of 2022 before this Authority seeking execution of the aforesaid order dated 09.06.2022 passed u/s. 31 of the RERD Act, 2016 and requesting that M/s. ATS Estates Pvt. Ltd. be directed to hand over a valid offer of possession along with payment of delayed interest amounting to ₹43,81,325/- till the date of filing of this execution application.

5. Upon filing of the execution application, notice was issued to the respondent on 20.01.2023 to appear and submit its reply. The respondent appeared on 20.02.2023 and sought adjournment to file reply/objections. The proceedings were thereafter conducted from time to time, and during the pendency of the same, an amount of ₹15,00,000/- was paid to the applicant by the respondent; however, the possession of the unit has not yet been offered to the complainant in compliance with the order dated 09.06.2022, and the balance amount towards the delayed interest is also awaited..

6. On 27.10.2025, learned counsel for the respondent submitted that efforts are being made to amicably settle the matter with the applicant/complainant. However, learned counsel for the complainant objected to the same and requested issuance of a recovery certificate, contending that the matter has remained pending for a considerable period and that the applicant/complainant is no longer interested in settlement. Upon inquiry, it was revealed that the Partial Completion Certificate, Completion Certificate, or Occupation Certificate in respect of the concerned project/tower has not yet been issued by the Competent Authority. It was further submitted that the construction work of the tower in which the complainant's unit is located has been completed, and that the respondent has already applied for issuance of the Completion Certificate, which is likely to be issued soon, though no specific timeframe was provided by the learned counsel for the respondent.

7. It is also pertinent to mention that during the proceedings, learned counsel for the respondent produced photocopies of 19 cheques of ₹9,500/- each ($₹9,500 \times 19 = ₹1,80,500/-$) allegedly issued in favour of the applicant/complainant. However, this fact has not been averred in the execution application and no acknowledgment of receipt of the said cheques has been placed on record by the complainant.

8. After perusal of the record and careful consideration of the submissions made by both parties, it is observed that the order dated 09.06.2022 passed by this Authority under Section 31 of the Act, 2016 has attained finality, as the respondent has not preferred any appeal before the Real Estate Appellate Tribunal or any other competent forum. The said order, therefore, stands enforceable under Section 40(1) of the Act, 2016 read with Rules 24 & 25 of the Pb. State Real Estate (Regulation & Development) Rules, 2017, which provides that if a promoter fails to pay any interest



or penalty imposed, ordered to be paid by the Authority, the same shall be recoverable as arrears of land revenue.

9. The record further reflects that the respondent has failed to comply with the said order in its entirety. Although a part payment of ₹15,00,000/- and Rs.1,80,500/- has been made (in totality Rs.16,80,500/-), the respondent has neither handed over possession of the unit to the complainant nor cleared the outstanding liability towards delayed interest. The respondent's contention regarding pending completion certificate cannot be accepted as a valid ground for non-compliance, particularly when the liability for delayed possession interest has been specifically determined by this Authority and is independent of such certification.

10. The respondent's plea of an intended settlement also does not hold merit, as the complainant has unequivocally refused to settle and has sought enforcement of the Authority's order. The pendency of completion certificate or alleged efforts for amicable resolution do not absolve the respondent of its obligation to comply with a final and binding order.

11. Therefore, it stands established that the respondent has failed to honour the binding directions of this Authority contained in order dated 09.06.2022, thereby attracting provisions of Section 40(1) of the Act, 2016 read with Rules 24 & 25 of the Pb. State Real Estate (Regulation & Development) Rules, 2017. In these circumstances, the respondent is directed to pay delayed interest on the principal amount i.e., Rs.43,81,325/- paid by the applicant w.e.f. 01.07.2016 till a valid offer of possession. Arrears of delayed interest accrued on it till 31.10.2025 i.e., Rs.22,04,275/- after deducting the amount of Rs.1,80,500/- already paid by the respondent as mentioned in Para 9 of this order. 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 calculated as under:-

Interest payable from	Amount	Interest Calculated till	Rate of Interest as per order	Tenure	Interest Amount
A	B	C	D	E	F
01.07.2016	43,81,325/-	31.10.2025	9.50%	112 Months	38,84,775/-
Amount already paid Rs.16,80,500/-					22,04,275/-

12. The amount due upto 31.10.2025 amounts to Rs.22,04,275/- and the respondents are 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 09.06.2022 and the respondents were directed to make the said payment within 90 days of the order. Any amount paid by the promoter will be first deducted towards the interest payable by the promoter and if amount paid is in excess of the interest payable then the balance amount (amount paid – interest payable) will be deducted from the capital and so on.



13. The respondent has paid Rs.16,80,500/- as mentioned in the Para No. 9 of this order as per the following dates:-

Sr. No.	Cheque No.	Dated	Amount
1	11561	09-05-2017	9,500/-
3	11825	06-06-2017	9,500/-
2	12179	10-07-2017	9,500/-
4	12313	05-08-2017	9,500/-
5	12649	12-09-2017	9,500/-
6	12935	06-10-2017	9,500/-
7	13234	04-11-2017	9,500/-
8	13501	04-12-2017	9,500/-
9	13905	05-01-2018	9,500/-
11	14541	15-02-2018	9,500/-
10	14432	10-03-2018	9,500/-
12	15318	10-05-2018	9,500/-
13	15370	14-06-2018	9,500/-
16	15954	17-07-2018	9,500/-
15	16218	07-08-2018	9,500/-
14	17323	12-10-2018	9,500/-
17	17543	05-11-2018	9,500/-
18	16767	12-12-2018	9,500/-
19	17670	11-02-2019	9,500/-
TOTAL			1,80,500/-

13.1. Further an amount of Rs.9,500/- has also been paid from May, 2017 to February, 2019 for 19 months except for 3 months i.e. April, 2018; September, 2018 and January, 2019 (as no receipts are available in the record against them therefore could not be taken into account) making a total payment of Rs.1,80,500/-. It is seen that the payment made since May, 2017 to February, 2019 of Rs.9,500/- per month except for 3 months i.e. April, 2018; September, 2018 and January, 2019 (as no receipts are available in the record against them therefore could not be taken into account) and further Rs.15,00,000/- paid as directed above is less than the interest accrued till the said dates. Therefore, these payments are considered to be paid of payment of interest accrued and deducted accordingly from the delayed possession interest.

14. Further, the respondent will make payment of Rs.34,685/- per month for the delayed period after 01.11.2025. The respondent i.e. M/s. ATS Estates Pvt. Ltd. is therefore held liable for an amount of Rs.22,04,275/- as on 31.10.2025 and further in addition a sum of Rs.34,685/- as interest will be added per month from November, 2025 onwards till the due valid possession is offered. The respondent is further directed to make the payment of Rs.22,04,275/- immediately and handover the due & further a sum of Rs.34,685/- per month till the valid possession is offered. In the result, the Execution Application is **allowed**.

15. The amount of Rs.22,04,275/- as interest is duly awarded as per Section 18 of the RERD Act, 2016 read with Rule 16 of the Rules, 2017 and is held to be 'Land Revenue' under the provisions of Section 40(1) of the RERD Act, 2016. Therefore, this amount of Rs.22,04,275/- as interest will be collected as Land



Revenue by the Competent Authority prescribed & authorized under the Punjab Land Revenue Act, 1887. In case, the promoter-cum-respondent fails to make the payment voluntarily on receiving this order. Therefore, 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.22,04,275/-. The Revenue Authorities will recover and add recovery on amount of Rs.34,685/- per month (whole month) also in addition to the amount of Rs.22,04,275/- for any delay in payment by Judgment Debtor/Promoter from 01.11.2025 onwards. Sunita and Rajesh Kumar Chandel are held to be Decree Holder of an amount of Rs.22,04,275/- (upto 31.10.2025) plus Rs.34,685/- per month (w.e.f. 01.11.2025) and M/s. ATS Estates Pvt. Ltd. as Judgment Debtor. Interest calculated is given in the table given supra. Further the promoter i.e. M/s. ATS Estates Pvt. Ltd. is directed to expeditiously handover the due and valid possession as per procedure prescribed under the RERA Act, 2016 and related laws and making due compliances.

16. 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.


Chandigarh
Dated: 27.10.2025




(Rakesh Kumar Goyal),
Chairman,
RERA, Punjab

A copy of the above order may be sent by the Registry of this Authority to the followings as well as for their further necessary action:-

1. Ms. Sunita W/o Sh. Rajesh Kumar Chandel
2. Sh. Rajesh Kumar Chandel s/o Sh. Kartar Singh Chandel
(Both residents of Village Nalti, Tehsildar Ghumarwin, Distt. Bilaspur, Bilaspur, Himachal Pradesh – 174206)
3. M/s. ATS Estates Pvt. Ltd., Plot No. 16, Sector 135, Gautam Buddha Nagar, Noida, Uttar Pradesh – 110019.
4. The Secretary, RERA, Punjab.
5. The Director (Legal).
6. The Complaint File.
7. The Master File.


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