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

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1.	**Execution Application No.**	:-	55/2024 in GC No. 1453/2019TR.
2.	**Name & Address of the Applicant-Complainant (s)/ Allottee**	:-	Sh. Chander Parkash, R/o D-197, Indl. Area, Phase 8B, SAS Nagar, Mohali, Punjab-160055.
3.	**Name & Address of the respondent (s)/ Promoter**	:-	M/s BBSB Enterprises, Mohali, Village Chapparchiri Kalan, H.B. No. 195, Setor 92, SAS Nagar, Mohali-140308 through its Partners Sh. Sukhchain Singh, R/o House No. 419, Phase-7, SAS Nagar, Mohali-160055 and Sh. Hoshiar Singh, R/o House No. 223, Phase 1, SAS Nagar, Mohali. **Also at**: # 378, AOT Complex, Sector 48A, Chandigarh-160047
4.	**Date of filing of Execution Application**	:-	26.06.2024
5.	**Name of the Project and Address**	:-	Post City situated at Village Chapparchiri Kalan, Sector 91-92, District SAS Nagar, Mohali.
6.	**RERA Registration No. of Project**	:-	PBRERA-SAS81-PM0091
7.	**Name of Counsel for the Applicant-complainant, if any.**	:-	Ms. Harshdeep Kaur Walia, Advocate
8.	**Name of Counsel for the respondent, if any.**	:-	Sh. Jasdeep Singh, Advocate for the respondent- M/s BBSB Enterprises Sh. Hari Om Chaudhary, Advocate for respondent Sh. Hoshiar Singh.
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 28.05.2021.
10.	**Date of Order**	:-	**12.11.2025**

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 28.05.2021.

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 28.05.2021 held in the case *'Chander Parkash v. BBSB Enterprises'* and other connected matters that the respondent shall be liable to refund Rs.9,25,000/- along with interest @ 9.30% per annum from the date of deposit till the date of its realization. For ready reference, relevant extract of order dated 28.05.2021 is reproduced hereunder:-

"It is accordingly ordered that the respondent shall refund the entire amount, to the complainant(s), along with interest @ 9.30% per annum (today's highest MCLR rate of 7.30% plus 2%) from the dates on which the same were received. The entire principal amount alongwith interest shall be paid within a period of 2 months 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 28.05.2021 was duly served on the Respondent.

4. Accordingly, vide Diary No. 4737 dated 26.06.2024, the applicant / complainant filed the present execution application No. 55 of 2024, before Real Estate Regulatory Authority, Punjab (Henceforth referred as Authority) requesting to direct the respondent to comply with the order dated 28.05.2021 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 BBSB Enterprises, Sh. Sukhchain Singh and Sh. Hoshiar Singh to appear and submit reply. Subsequently, objections was filed on behalf of the respondent-M/s BBSB Enterprises. In the said objections, the respondent has admitted its liability and submitted that it is liable to pay a total amount of Rs.14,38,398.75 as on 31.07.2021 (principle amount of Rs.9,25,000/- plus interest @ 9.30/- p.a. of Rs 5,13,398.75). Sh. Hoshiar Singh, partner of the respondent has also filed objections and has contended that the present execution is not maintainable against him. He further stated that in the main litigation, the complainant had filed claim against Sh. Sukhchain Singh. He further contended that he is not liable to satisfy the decree, as he was not necessary party to the original complaint and inclusion of new parties would go beyond the scope of the execution petition.. It is further submitted that the appeal before the Tribunal was preferred exclusively by the respondent i.e. M/s BBSB Enterprises, and therefore, no liability can be attributed to Sh. Hoshiar Singh in the present execution proceedings.

6. We have duly considered the order passed u/s 31 dated 28.05.2021 and the application filed by the complainant/applicant. 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 28.05.2021. The respondent (M/s BBSB Enterprises) admitted its liability for making the payment in its objection filed in response to the present execution

application. As per law, firm and partners are jointly and severally liable for making the payment to the complainant/applicant. All the partners at the time of allotment, booking, sale, and the partners at present in the respondent firm are jointly and severally liable for making the payment to the complainant/applicant. The applicant has stated that the respondent M/s BBSB Enterprises had challenged the said order dated 28.05.2021 passed u/s 31 by way of appeal before the Hon'ble Real Estate Appellate Tribunal, Punjab. The said appeal was dismissed by the Hon'ble REAT vide order dated 21.12.2023. In the order dated 28.05.2021 passed u/s 31, the respondent was categorically directed to refund the entire amount received from the complainant/applicant, along with interest within 2 months from the date of the order. However, the respondent has not refunded any amount whatsoever to the applicant/complainant till date.

7. Based on the written and oral submissions of the applicant and the material available on record, it is held that the **respondent i.e. M/s BBSB Enterprises** had failed to comply with orders passed u/s 31 of the Real Estate (Regulation and Development) Act, 2016 dated 28.05.2021. In these circumstances, the respondent is directed to refund Rs.9,25,000/- alongwith arrears of interest accrued over it @ 09.30% per annum from the date of payment till the realization of whole payment. 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 31.10.2025 is calculated as follows:-

Actual date of payment	Interest payable from	Principal amount paid	Interest calculate till	Interest rate as per order (@ 7.30% SBI's Highest MCLR Rate + 2%)	Tenure (in months)	Interest Amount payable till 31.10.2025
1	2	3	4	5	6	7
March, 2015	01.04.2015	Rs.2,00,000/-	31.10.2025	09.30%	127	Rs.1,96,850/-
April, 2015	01.05.2015	Rs.4,90,000/-	31.10.2025	09.30%	126	Rs.4,78,485/-
January, 2016	01.02.2016	Rs.1.00.000/-	31.10.2025	09.30%	117	Rs.90,675 /-
October, 2016	01.11.2016	Rs.1,35.000/-	31.10.2025	09.30%	108	Rs.1,12,995 /-
	Total	**Rs.9,25,000/-**				**Rs.8,79,005/-**
Grand Total (PRINCIPAL AMOUNT + INTEREST AMOUNT)						**Rs.18,04,005/-**

8. Therefore, the total sum due upto 31.10.2025 amounts to Rs.18,04,005/- and the respondent/promoter 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 28.05.2021 and the respondent/promoter was bound to make the said

payment within two months 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.7,169/- per month from 01.11.2025 onwards on the principal amount of Rs.9,25,000/-, which shall continue to accrue until it is paid .

9. Hence, the respondent/promoter is liable to pay a total amount of Rs.18,04,005/- upto 31.10.2025 (i.e. Principal amount of Rs. 9,25,000/- and interest of Rs.8,79,005/-, and any amount due as interest w.e.f. 01.11.2025 of Rs.7,169/- per month onwards on the principal of Rs.9,25,000/- 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

10. **The amount of Rs.18,04,005/- and further a sum of Rs.7,169/- per month to be payable as interest per month from 01.11.2025 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 under the Punjab Land Revenue Act, 1887 read with section 40(1) of the Real Estate (Regulation and Development) Act, 2016.

11. The Secretary of this Authority is directed to issue the Recovery Certificate immediately for recovery of the adjudicated amount of Rs.18,04,005/- calculated till 31.10.2025 and send it to the jurisdictional authority under Punjab Land Revenue Act, 1887 to recover the same as "Land Revenue" and for necessary action. Further, the Recovery Certificate will mention that an amount of Rs.7,169/- will become due on principal amount of Rs.9,25,000/- till it is not fully paid. 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. Further, Sh. Chander Parkash is held as Decree Holder and M/s BBSB Enterprises as Judgment Debtor for the purposes of recovery of the amounts due as calculated in the table supra para 7. The respondent (judgment debtor) and

the complainant (decree holder) 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.

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

Chandigarh
Dated: 12.11.2025

(Binod Kumar Singh)
Member

(Arunvir Vashista)
Member

(Rakesh Kumar Goyal)
Chairman

Endst. No. CP/RERA/PB/PA/Exe/19638 Dated: 18/12/25

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

1. Sh. Chander Parkash, R/o D-197, Indl. Area, Phase 8B, SAS Nagar, Mohali, Punjab-160055.
2. M/s BBSB Enterprises, Mohali, Village Chapparchiri Kalan, H.B. No. 195, Setor 92, SAS Nagar, Mohali-140308, **Also at**: # 378, AOT Complex, Sector 48A, Chandigarh-160047, through its Partners Sh. Sukhchain Singh, R/o House No. 419, Phase-7, SAS Nagar, Mohali-160055 and Sh. Hoshiar Singh, R/o House No. 223, Phase 1, SAS Nagar, Mohali.
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.