

**BEFORE SHRI BINOD KUMAR SINGH, MEMBER
REAL ESTATE REGULATORY AUTHORITY, PUNJAB**

Complaint No. 0234 of 2023
Date of Institution :03.07.2023
Date of Decision: 29.08.2025

1. Lila Goyal, House No. 190, Second Floor Sector 40-A, Chandigarh
PIN Code 160036
2. Sushil Kumar Garg, Aditya Complex, New SSP Residence, Basant
Singh Road, Moga, Punjab, PIN Code 142001

....Complainants

Versus

BAJWA DEVELOPERS, SCO 17-18, SUNNY ENCLAVE, Sahibzada Ajit
Singh Nagar (Mohali), Punjab, PIN Code 140301

....Respondent

Complaint in Form 'M' u/S 31 of the Real Estate (Regulation
and Development) Act, 2016, (the Act of 2016) read with
Rule 36 (1) of the Punjab State Real Estate (Regulation and
Development) Rules, 2017 (the Rules of 2017)

(Registration Number: PBRERA-SAS80-PR0582)

Present: Advocate Himanshu Gupta, Advocate Nazuk S Gupta and
Advocate Yaseen Sethi for the complainants

Advocate Vipul Monga, Advocate with Advocate Ms. Rabia
Devgan, for respondent

ORDER

Complainants seek direction to respondent to hand over
possession of the plot, complete in all respects along with delayed
interest.

2. Complainants submitted the following facts in their complaint
which is summarized below:-

- 2.1 Complainants were allotted SCO No.3, measuring 62.22 Sq
Yard in the project 'Sunny Enclave Township', located at
Tehsil Kharar, District S.A.S Nagar, being developed by
respondent.

2.2 Complainants had paid the entire sale consideration of Rs.12,00,000/- as per 'No Due Certificate cum allotment letter' dated 23.09.2011 (Annexure C-1) issued by respondent.

2.3 It is alleged that respondent promised to deliver possession immediately since entire payment has been made. However, possession of plot has not been given to complainants till today despite entire payment of Rs.12,00,000/- and various assurance by respondent on the ground that completion is at final stages.

2.4 On their persistent demand, respondent informed complainants that plot has been transferred to one Deepak Kumar and Sukhvir Singh who thereafter further transferred the same to Jasvir Kaur and Harvineet Singh and handed over one document to them (Annexure C-2). However, when complainants requested for records, respondent threatened them that they have all powers to transfer the plot without any consent of allottee.

2.5 Thereafter, complainants approached this Authority seeking possession with interest vide complaint Diary No. GCNo03882022, which was later on withdrawn with liberty to file afresh vide order dated 22.05.2023 (Annexure C-3).

2.6 It is contended that complainants are still allottee of said plot and are waiting for possession of the plot for the last 12 years. Hence, this complaint seeking relief as noted in the initial para of this order.

3. Upon issuance of notice to respondent, Shri Vipul Monga, Advocate appeared on behalf of respondent on 17.08.2023 and stated

that respondent is ready to settle the matter to which complainants consented and the matter was adjourned to 14.09.2023 for filing reply.

4. It is noteworthy that from 14.09.2023 till the date of hearing of this complaint i.e on 12.08.2025 no reply was filed by respondent to this complaint despite availing/granted opportunities by this Authority. However, during the proceedings held on 24.07.2025 following order was passed:

"24.07.2025

*Present: Ms. Lila Goyal, the complainant in person
Shri Vipul Monga, Advocate for the respondent*

Today the matter was listed for reply.

The complainant appeared and stated that in case the respondent is not ready to give the possession, then the deposited amount could be refunded with interest.

Ld. Counsel for the respondent sought time to get the instructions from the respondent for both the options i.e possession or refund of deposited amount with interest. This is allowed.

To come up on 12.08.2025 at 11.30 AM for arguments.

*Sd/-
(Binod Kumar Singh)
Member, RERA, Punjab"*

5. Matter was taken up on 12.08.2025 and in the presence of both the parties the following order was passed:-

"12.08.2025

*Present: Ms. Lila Goyal the complainant in person along Ms. Tinu Gupta, representative of the complainant
Sh. Vipul Monga, Advocate for the respondent*

The complainant, Ms. Lila Goyal and Ms. Tinu Gupta (daughter-in-law of the complainant) were appeared. The prayer of complainant in the complaint was for possession and interest on the paid amount. However, Ld. Counsel for the respondent gave an option that refund and interest can be given as the possession of the unit is not likely to be available in future. The complainant and her associate both agreed that the option given by Ld. Counsel for the respondent is agreeable to them. Accordingly, refund on the paid amount as per NDC along with interest is to be paid by the respondent.

The matter is reserved for order. Detailed order will be passed separately.

*Sd/-
(Binod Kumar Singh)
Member, RERA, Punjab*

6. In view of the option of refund of deposited amount plus interest given by Counsel for respondent and thereafter admission by complainant Ms. Lila Goyal at the bar that she is ready now to accept the refund along with interest; instead of possession of SCO No.3, measuring 62.22 Sq Yard in the project 'Sunny Enclave Township', located at Tehsil Kharar, District S.A.S Nagar along with delayed interest; she is allowed to amend her prayer restricted only to refund of the deposited amount of Rs.12,00,000/-plus interest as per 'No Due Certificate' issued by respondent on 23.09.2011. However, it is noteworthy that 'No Due Certificate' is the only document issued by respondent to complainant on 23.09.2011 is available on record wherein it is clearly mentioned that respondent has received full and final consideration amount of SCO and the total cost of the SCO is Rs.12,00,000/- hence complainant is entitled for refund along with interest from this date of 23.09.2011.

7. Accordingly, this complaint with modified prayer of refund plus interest thereon is accepted and the respondent is directed

- 7.1 to refund the amount of Rs.12,00,000/- along with interest to complainant at the rate of 10.85% per annum (today's State Bank of India highest Marginal Cost of Lending Rate of 8.85% plus two percent) prescribed in Rule 16 of the Rules of 2017 with effect from 23.09.2011 (the date of issue of "No Due Certificate") till the date of actual refund.
- 7.2 Respondent is further directed to refund this amount as stipulated in Rule 17 of the Rules of 2017.
8. File be consigned to record room after due compliance.


(Binod Kumar Singh)
Member, RERA, Punjab

Rera, Punjab