



**Before Shri Binod Kumar Singh, Member,
Real Estate Regulatory Authority, Punjab**

Execution No. 30 of 2023
Complaint GC No.0023/2022
Date of Hearing: 20.08.2024
Date of Order: 28.08.2024

Kawaljeet Singh, Son of Shri Manmohan Singh, Kothi No.4, Near
Petrol Pump, Upper Kaithu, Shimla, Himachal Pradesh-171003

....Complainant/Decree Holder

Versus

1. RKM Housing Limited through Director Kanwaljit Singh, SCO
No.1-4, Sector 112, Landran, SAS Nagar, Mohali – 160055
(PBRERA –SAS81-PR0125)
2. Mohali Tenant Welfare Coop. House Building Society Limited,
SCO No.1-4, Sector 112, Landran, SAS Nagar, Mohali – 160055

....Respondents

Present : Shri Vipin Kumar, Advocate for the complainant
Respondents are exparte vide order dated 30.11.2023

ORDER

This is an application under Section 40 of the Real Estate
(Regulation and Development) Act, 2016 (hereinafter referred to as
the Act) read with Rules 24 and 25 of the Punjab State Real Estate
(Regulation and Development) Rules, 2017 (hereinafter referred to as
the Rules) for execution of order dated 27.10.2022 passed by the

Authority against the complaint filed u/s 31 of the Act, vide which the respondents were directed as under:

- i. *That as provided in Section 19(1) of the Act, read with Rule 16 of the Rules, the respondent shall pay interest as per State Bank of India's highest marginal cost of lending rate (as of today) plus 2% w.e.f. 10.12.2011 on the sum of Rs.17,00,000/-, till the date of this order. This amount will be paid within two months from today.*
- ii. *Further, the respondents shall pay interest as provided in Section 18(1) of the Act, read with Rule 16 of the Rules, as per State Bank of India's highest marginal cost of lending rate (as of today) plus 2% on the sum of Rs.17,00,000/- from the date of this order till the date when actual possession is given after obtaining occupancy certificate from the competent authority.*
- iii. *The respondent shall issue an allotment letter for a specific plot and execute an agreement for sale as per the format prescribed in the Punjab State Real Estate (Regulation and Development) Rules, 2017 with the complainant within two months of the date of issue of this order. This plot should be part of the approved layout plan of the project. The transaction between the parties will henceforth be governed by this agreement. Needless to say, this agreement will not be more onerous on the complainant than the agreements signed with other allottees of the project."*

2. The above mentioned order dated 27.10.2022 was duly dispatched and served upon the complainant as well as to both the respondent vide Memo No.RERA/Pb/Legal/2022/10098 dated 09.11.2022.

3. As the respondent failed to comply with the orders (supra), the complainant filed an Execution Application No.30 on 25.05.2023 enclosing the calculation sheet claiming a sum of Rs.20,91,850/- with interest due from the respondent, for the period from 10.12.2011 till

22.05.2023, being the date of filing the present execution application. In the application, the complainant prayed that the above said amount be recovered by attachment of bank accounts/properties and by sale/auction of attached properties of the respondents/judgement debtors.

4. Notice was issued to the respondents on 31.05.2023 for their appearance on 13.07.2023. Further, vide notice dated 30.11.2023 the respondents were served on the alternate address as mentioned in the project file record available with this office. Since nobody was present on behalf of the respondents, they were proceeded against *ex parte* on 30.11.2023 itself and the matter was fixed for 07.12.2023 for orders by the learned Bench of Member (APS) after hearing the arguments of learned Counsel for the complainant. The case was finally heard on 20.08.2024 where the respondent again failed to appear and the case was disposed *ex-parte* for the respondent.

5. During the course of the arguments, learned Counsel for the complainant stated that the respondents have not complied with the order dated 27.10.2022 and the amount reached upon as per the order of the Authority, has not been paid by the respondent and even no allotment letter has been issued to them. The complainant made a prayer that the recovery certificate be issued for the above stated



amount, which is as per the computation made by him is of Rs.20,91,850/-.

6. The records available of this execution application and considered and the submissions made by learned Counsel for the complainant were examined and considered.

7. Since none appeared on behalf of the respondents, they were proceeded against *ex parte*. It is a matter of concern that the respondents have not complied with the order dated 27.10.2022 and have not offered any explanation for the non compliance of the said order of the Authority. The respondent has opted not to appear on the stipulated dates of hearings fixed by the Authority and failed to avail the opportunity(s) granted to rebut the claim put forth by the complainant/deGREEE-holder, and to put forth why this execution application should not be allowed.

8. From the above discussion, it is evident that the order dated 27.10.2022 (*supra*) passed by the Authority has not been complied with by the respondents till date. The undersigned finds no reason that the present execution application moved by the complainant/deGREEE holder should not be allowed.

9. This Execution Application is accordingly accepted and the respondent(s) are directed to pay a sum of Rs.22,14,168/-

(calculated from 10.12.2011 to 20.08.2024) to the complainants within sixty days of the receipt of this order.

10. It is also made clear that if the order dated 27.10.2022 read with this order is not complied with by the respondents within a period of sixty days of the receipt of this order, Registry of this Authority is directed to issue Recovery Certificate to the District Collector, SAS Nagar, Mohali, Punjab to affect the recovery of the arrears of interest amounting to Rs.22,14,168/- (as per calculation sheet attached as Annexure-1) from the respondents and also to initiate proceedings under Section 63 of the Act against the respondents. Further, in case the payments are further delayed from the period of sixty days allowed by this order, the payable amount due to complainant will be recomputed till the date of payment, for the full amount of principle amount or the part, if any, at the rate of interest already mentioned in the order dated 27.10.2022.

11. Allowed



(Binod Kumar Singh)
Member, RERA, Punjab