

**REAL ESTATE APPELLATE TRIBUNAL, PUNJAB,
SAS NAGAR (MOHALI)**

Appeal No. 62 of 2019

Sushma Singla D/o Late Sh. Baldev Krishan R/o House
No. 593, Sector-7, Panchkula-134109.

....Appellant

Versus

Estate Officer, Ludhiana, Punjab Urban Planning &
Development Authority, GLADA Complex, Ferozpur
Road, New Westend Mall, Ludhiana-141001.

....Respondent

WITH

**APPEAL NO. 63 OF 2019, APPEAL NO. 66 OF 2019,
AND APPEAL NO. 67 OF 2019.**

Present: Mr. Ammish Goel, Advocate for the appellant in
Appeal No. 62 & 63 of 2019 and for the respondent
in Appeal No. 66 & 67 of 2019.
Mr. Bhupinder Singh, Advocate for the respondent
in Appeal No. 62 & 63 of 2019 and for appellant in
Appeal No. 66 & 67 of 2019.



QUORUM: JUSTICE MAHESH GROVER (RETD.), CHAIRMAN

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JUDGMENT: (Mahesh Grover (J) (Retd): (oral)

By this order, I will dispose of the following four
appeals: -

APPEAL NO. 62 OF 2019

1.	Appeal No. 62 of 2019	Sushma Singla Versus Estate Officer, Punjab Urban Planning & Development Authority
2.	Appeal No. 63 of 2019	Kavish Singla Versus Estate Officer, Punjab Urban Planning & Development Authority
3.	Appeal No. 66 of 2019	Estate Officer, Punjab Urban Planning & Development Authority Versus Sushma Singla
4.	Appeal No. 67 of 2019	Estate Officer, Punjab Urban Planning & Development Authority Versus Kavish Singla

The facts are being extracted from Appeal No. 62 of 2019 titled as " *Sushma Singla Versus Estate Officer, Punjab Urban Planning & Development Authority* " .

The appellant preferred the complaint against the Punjab Urban Planning & Development Authority (hereinafter known as the Development Authority), alleging that she had paid 25% of the amount in terms of the offer of allotment but yet the possession of the plot was not given to her in time. It is alleged that the entire 25% of the amount, as required under Clause 4 of offer letter was deposited by 21.03.2013. The possession was to be handed over within 90 days thereof, ^{as} ~~and~~ since there was a delay the complaint was preferred, which was registered by the Real Estate Regulatory Authority, Punjab.



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The Real Estate Regulatory Authority Punjab, before whom the complaint was preferred, held that both the appellant and the respondent were at fault and consequently accepted the complaint in part and order^{ed} that the entire amount of money deposited by the appellant be refunded to the appellant without any deduction but interest was declined. The complainants aggrieved by the order of the Real Estate Regulatory Authority, Punjab have filed separate appeals bearing No. 62 of 2019 and 63 of 2019, impugning the very same order and the Development Authority has filed two cross appeals bearing No. 66 of 2019 and 67 of 2019. All the appeals are being disposed of with this order.

Having heard both the sides, I do not find any infirmity in the impugned order. Concededly the offer of allotment entailed a stipulation of possession within 90 days if 25% of the tentative price of the plot had been paid. There is nothing on record to suggest that the complainant ever evinced any interest in taking the possession from the ~~appellant~~^{developer} after having deposited 25% of the amount. It is only for the first time in 2018 that a communication was sent to the Development Authority seeking refund of the amount. As against this the Development Authority has stated that they never declined



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possession and it was open to the complainant to take the possession of the plot and raise construction thereon.

Evidently there seems to be a default on both sides which has rightly been appreciated by the Real Estate Regulatory Authority, Punjab.

The Development Authority would have no right to insist on retention of the amount and likewise for the default committed by the complainant they have no right to insist on the interest on the refund amount.

Finding no merit in the appeals, ^{The same are} ~~and~~ accordingly dismissed. _W

A photostat copy of this order be placed on the record of each appeal.



Sd/-

JUSTICE MAHESH GROVER (RETD.)

CHAIRMAN

January 20, 2020

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Certified To Be True Copy

[Signature]
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh

**REAL ESTATE APPELLATE TRIBUNAL, PUNJAB,
SAS NAGAR (MOHALI)**

**APPEAL NO. 66 OF 2019
ESTATE OFFICER, PUNJAB URBAN PLANNING &
DEVELOPMENT AUTHORITY
VERSUS
SUSHMA SINGLA**

AND

**APPEAL NO. 67 OF 2019
ESTATE OFFICER, PUNJAB URBAN PLANNING &
DEVELOPMENT AUTHORITY
VERSUS
KAVISH SINGLA**

Vide order dated 20.01.2020 the appeals of the Estate Officer, Punjab Urban Planning & Development Authority were dismissed.

The files have now been put up for appropriate orders seeking the release of the amount to the respondent/complainant deposited by the appellant/Estate Officer, PUDA under Section 43(5) of the Real Estate (Regulation and Development) Act, 2016.

In view of the fact that the proceedings in the above said appeals stand concluded, it would be in the fitness of things if the amount deposited by the appellant/Estate Officer, PUDA under Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 is released to the respondent/complainant.

Ordered accordingly.


**JUSTICE MAHESH GROVER (RETD.)
CHAIRMAN**

February 03, 2020

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Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh

