

**REAL ESTATE APPELLATE TRIBUNAL, PUNJAB**  
SCO No. 95-98, Bank Square, P.F.C Building, Sector-17-B, Chandigarh

Subject: -

**APPEAL NO.257 OF 2020**

**AKHILESH KHANNA S/O SHRI D. KHANNA R/O HOUSE NO.3299,  
SECTOR 19-D, CHANDIGARH, UT, 160019.**

**...Appellant**

**VERSUS**

**CHIEF ADMINISTRATOR, GREATER MOHALI AREA  
DEVELOPMENT AUTHORITY, PUDA BHAWAN, SECTOR 62, SAS  
NAGAR (MOHALI), PUNJAB-160062.**

**...Respondent**

Memo No. R.E.A.T./2022/50

To,

**REAL ESTATE REGULATORY AUTHORITY, PUNJAB 1<sup>ST</sup>  
FLOOR, BLOCK B, PLOT NO.3, MADHYA MARG,  
SECTOR-18, CHANDIGARH-160018.**

Whereas appeals titled and numbered as above was filed before the Real Estate Appellate Tribunal, Punjab. As required by Section 44 (4) of the Real Estate (Regulation and Development) Act, 2016, a certified copy of the order passed in aforesaid appeals is being forwarded to you and the same may be uploaded on website.

Given under my hand and the seal of the Hon'ble Tribunal this 01<sup>st</sup> day of February, 2022.



*Chandanshu Jaiswal*  
REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

IN THE REAL ESTATE APPELLATE TRIBUNAL  
PUNJAB, SAS NAGAR MOHALI.

Appeal No. 257 of 2020

**Memo of Parties**

Akhilesh Khanna s/o Shri D.Khanna R/o House  
no.3299 , Sector 19-D , Chandigarh , U.T. 160019.

.... Appellant

Versus

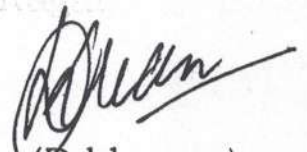
Chief Administrator, Greater Mohali Area Development  
Authority, PUDA Bhawan, Sector 62, SAS Nagar  
(Mohali), Punjab - 160062

.... Respondent

Place: SAS Nagar

Date: 10.11.2020



  
(D.khanna)

Advocate

Counsel for the Appellant

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AT CHANDIGARH

APPEAL NO.257 OF 2020

AKHILESH KHANNA S/O SHRI D. KHANNA R/O HOUSE NO.3299,  
SECTOR 19-D, CHANDIGARH, UT, 160019.

...Appellant

VERSUS

CHIEF ADMINISTRATOR, GREATER MOHALI AREA  
DEVELOPMENT AUTHORITY, PUDA BHAWAN, SECTOR 62, SAS  
NAGAR (MOHALI), PUNJAB-160062.

...Respondent

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**Present: -** Mr. D. Khanna, Advocate for the appellant.  
Mr. Bhupinder Singh, Advocate for the respondent.

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This appeal has been filed against the impugned order dated 08.10.2020 passed by the Chairperson, Real Estate Regulatory Authority (hereinafter referred to as the Authority).

The complaint under Section 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the Act) was initiated with a very limited grievance that there was delay in handing over the possession to the appellant, which entitled him to interest for the said period.

The complaint was accepted, though the relief was partial as in Para 8 while accepting the complaint, the Authority observed that "*in view of the nature of the functioning of the respondent a grace period of one year is allowed and the respondent is directed to pay interest at the rate prescribed in the Punjab State Real Estate (Regulation and Development) Rules, 2017*



*as applicable from to time with effect from 22.02.2019 till the actual handing over of possession."*

Upon perusal of the material before us and after hearing learned counsel for the parties, we are of the opinion that the grace period of one year allowed to the respondent on account of the nature of its functioning is grossly arbitrary and without any justification, hence liable to be set aside.

We have held so similarly in some other appeals (Appeal No.15 of 2021, Appeal No.23 of 2021, Appeal No.246 of 2020 and Appeal No.19 of 2021) also where such a finding was returned by the Authority.

While ordering so, we hold the appellant entitled to interest at State Bank of India highest Marginal Cost of Lending Rate plus two percent in terms of proviso to section 18(1) of the Act from 22.02.2018 till the actual handing over of possession.

Disposed of with the aforementioned terms.

Sd/-  
JUSTICE MAHESH GROVER (RETD.)  
CHAIRMAN

Sd/-  
S.K. GARG, D & S. JUDGE (RETD.)  
MEMBER (JUDICIAL)

Sd/-  
ER. ASHOK KUMAR GARG, C.E. (RETD.)  
MEMBER (ADMINISTRATIVE/ TECHNICAL)

January 19<sup>th</sup>, 2022

AN



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Registrar  
State Appellate Tribunal Punjab  
1-2-2022