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**BEFORE THE PUNJAB REAL ESTATE APPELLATE TRIBUNAL  
AT CHANDIGARH**

Appeal No. 120 of 2022

In GC No. 0067 of 2021

**MEMO OF PARTIES**

1. Dr. Ira Dhawan wife of Hanish Kataria
2. Dr. Hanish Kataria son of Late Sh. Murli Manohar Lal Kataria

Both residents of House No. 9-A, Krishna Square, Near Shivala Bhaiyan, Amritsar, Punjab through their special power of attorney holder namely Arjan Kumar Dhawan son of Sh. Baldev Raj Dhawan resident of House No. 9-A, Krishna Square, Near Shivala Bhaiyan, Amritsar, Punjab

**...Appellants/Complainants**

Versus


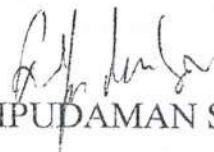
M/s Manohar Infrastructure & Constructions Private Limited through its Managing Director, registered office at SCO 139-141, Sector-17C, Chandigarh-160017.

**...Respondent**

Chandigarh

Dated: 30.06.2022



  
  
SANJEEV GUPTA & RIPUDAMAN SINGH  
ADVOCATE  
COUNSEL FOR THE APPELLANTS

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AT CHANDIGARH

APPLICATION NO. 182 OF 2022  
IN APPEAL NO. 120 OF 2022

DR. IRA DHAWAN

VERSUS

MANOHAR INFRASTRUCTURE AND CONSTRUCTIONS PVT. LTD.

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Present: - Mr. Sanjeev Gupta, Advocate for the appellant.

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The appellant impugns the order dated 07.04.2022. The authority while considering the complaint seeking relief for delayed possession ordered as below:-

*"As a result of the above discussion this complaint is accepted and the respondent is directed to pay interest as prescribed under Rule 16 of the Punjab Real Estate (Regulation and Development), Rules 2017 at the rate of 9.30% per annum (today's highest MCLR rate of 7.30% plus 2%) from 09.02.2020 till a valid offer of possession is made by the respondent. In view of the fact that a heavy amount has been deposited by the complainants and there is yet no indication about when possession would be offered. It is further directed that the interest accrued till the date of this order shall be paid within three months thereof."*

Solitary grievance raised against the above is that the benefit of interest has been granted from "09.02.2020 till a valid offer of possession is made by the respondent", whereas, it ought to have been granted till the date of actual possession. It is further contended that the appellant has deposited more than 90% of the amount and has suffered immensely, for which she deserves adequate compensation.



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We have heard the learned counsel for the appellant and are of the opinion that in terms of the provisions of the Statute, the appellant has to be paid interest for every month of delay, till the handing over of the possession and as such his contention in this regard merits acceptance.

The order of the Authority is thus modified to this limited extent that the benefit of interest as granted by it shall continue till the date of actual possession.

With the aforesaid modification, the appeal stands disposed of.

With regard to the issue of compensation, the appellant would be at liberty to take recourse to such proceedings for grant thereof, in case so advised.

*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)

July 11, 2022  
AN



Certified To Be True Copy  
*Dr. Anand K. Kaur*  
Registrar  
Real Estate Appellate Tribunal Punjab  
Chandigarh

18/07/2022