

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

Subject: -

**APPEAL NO. 162 of 2022**

Pratap Singh S/o Sh. Amrit Pal Singh Randhawa resident of  
#14, Inder Nagar, Opp. Verka Milk Plant, Ludhiana

...Appellant/Complainant

Versus

1. Chief Administrator, Greater Mohali Area Development Authority PUDA Bhawan Sector 62, SAS Nagar, Mohali (Punjab)
2. Estate Officer (H), Greater Mohali Area Development Authority PUDA Bhawan Sector 62, SAS Nagar, Mohali (Punjab)
3. The Greater Mohali Area Development Authority PUDA Bhawan Sector 62, SAS Nagar, Mohali (Punjab) through its chairman.

....Respondents/Opposite Parties

**Appeal No. 163 of 2022**

Sangram Singh Randhawa S/o Sh. Amrit Pal Singh  
Randhawa resident of #14, Inder Nagar, Opp. Verka Milk  
Plant, Ludhiana

...Appellant/Complainant

Versus

1. Chief Administrator, Greater Mohali Area Development Authority PUDA Bhawan Sector 62, SAS Nagar, Mohali (Punjab)
2. Estate Officer (H), Greater Mohali Area Development Authority PUDA Bhawan Sector 62, SAS Nagar, Mohali (Punjab)



3. The Greater Mohali Area Development Authority PUDA  
Bhawan Sector 62, SAS Nagar, Mohali (Punjab) through its  
chairman.

....Respondents/Opposite Parties

Memo No. R.E.A.T./2023/ 402

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 were 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 appeal 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 **31<sup>st</sup> day**  
**of October 2023.**

*Shamsher Singh*  
REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

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IN THE REAL ESTATE APPELLATE TRIBUNAL PUNJAB,  
AT CHANDIGARH

Appeal No. 162 of 2022

In ACC No.147 of 2021

Date of Decision: 23.05.2022

Memo of Parties

Pratap Singh Son of Sh Amrit Pal Singh Randhawa resident of #14,  
Inder Nagar, Opp. Verka Milk Plant, Ludhiana.

Mobile:0700973478

E-mail:drprataprindhawa@gmail.com

..... Appellant/Complainant

Versus

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

Estate Officer (H), Greater Mohali Area Development Authority  
PUDA Bhawan Sector 62, SAS Nagar, Mohali (Punjab)

The Greater Mohali Area Development Authority, PUDA Bhawan  
Sector 62, SAS Nagar, Mohali (Punjab) through its chairman.

.....Respondents/Opposite Parties

Place: CHD

Dated: 25.08.2022

(KARAN NEHRA, HARVINDER SINGH & RAVI NAYAK)

ADVOCATES

COUNSEL FOR THE APPELLANT



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**IN THE REAL ESTATE APPELLATE TRIBUNAL PUNJAB,  
AT CHANDIGARH**

Appeal No. 163 of 2022

In ACC No.148 of 2021

Date of Decision: 23.05.2022

**Memo of parties**

Sh. Sangram Singh Randhawa son of Amrit Pal Singh Randhawa

Resident of #14, Inder Nagar, Opp.Verka Milk Plant,Ludhiana

Through Power of Attorney Holder Amrit Pal Singh Randhawa

Mobile: 9216059996

E-mail: [drprataprindhawa@yahoo.com](mailto:drprataprindhawa@yahoo.com)

**..... Appellant/Complainant**

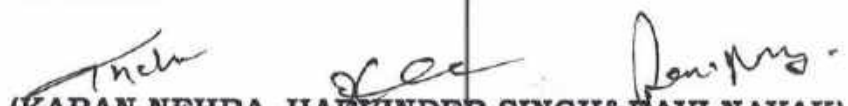
**Versus**

1. Chief Administrator, Greater Mohali Area Development Authority  
PUDA Bhawan Sector 62, SAS Nagar, Mohali (Punjab)  
Estate Officer (H), Greater Mohali Area Development Authority  
PUDA Bhawan Sector 62, SAS Nagar, Mohali (Punjab)  
The Greater Mohali Area Development Authority, PUDA Bhawan  
Sector 62, SAS Nagar, Mohali (Punjab) through its chairman.

**.....Respondents/Opposite Parties**

**Place: Chandigarh**

**Dated:25.08.2022**

  
**(KARAN NEHRA, HARVINDER SINGH & NAVI NAYAK)**

**ADVOCATES**

**COUNSEL FOR THE APPELLANT**



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

**APPEAL NO. 162 of 2022**

Pratap Singh S/o Sh. Amrit Pal Singh Randhawa resident of  
#14, Inder Nagar, Opp. Verka Milk Plant, Ludhiana

...Appellant/Complainant

Versus

1. Chief Administrator, Greater Mohali Area Development Authority PUDA Bhawan Sector 62, SAS Nagar, Mohali (Punjab)
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....Respondents/Opposite Parties

**Appeal No.163 of 2022**

Sangram Singh Randhawa S/o Sh. Amrit Pal Singh  
Randhawa resident of #14, Inder Nagar, Opp. Verka Milk  
Plant, Ludhiana

...Appellant/Complainant

Versus

1. Chief Administrator, Greater Mohali Area Development Authority PUDA Bhawan Sector 62, SAS Nagar, Mohali (Punjab)
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....Respondents/Opposite Parties

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**Present: -** Mr. Pratap Singh (in person) appellants.  
Mr. Balwinder Singh & Mr. Bhupinder Singh,  
Advocates for the respondents.

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**CORAM: JUSTICE MAHESH GROVER (RETD.), CHAIRMAN**  
**SH. S.K. GARG DISTT. & SESSIONS JUDGE (RETD.),**  
**MEMBER (JUDICIAL)**

**JUDGMENT: JUSTICE MAHESH GROVER (RETD.), CHAIRMAN**  
**(ORAL)**

1. By this order we shall dispose of two appeals bearing No.162 of 2022 and 163 of 2022 titled Sh. Partap Singh Vs. Chief Administrator, GMADA & Ors. and Sh. Sangram Singh Randhawa Vs. Chief Administrator, GMADA & Ors.
2. The controversy raised in this appeal is similar to both and based upon commonality of facts.
3. In fact the issue agitated before us is limited and therefore, we need not delve into the facts in detail, but suffice it to say that dissatisfied with the non-delivery of possession in time, the appellants who were allottees in a project being developed by the respondent decided to forego the allotment altogether and chose a path of refund. A complaint under Section 31 was initiated in this regard which resulted in the impugned order by the Authority which although, concluded in favour of appellant but yet these present appeals have been preferred with a limited grievance that the interest awarded by the Authority has not been calculated from the correct date.
4. There is no dispute between the parties beyond the one that we have referred to in the foregoing paragraphs.
5. For the sake of clarity the concluding part of the order passed by the Authority for the purposes of clarity is extracted herebelow:

*"The next question however would be to determine the period for which interest has to be paid by the*



respondent. This issue has arisen in view of the order dated 18.04.22 of the Real Estate Appellate Tribunal, Punjab in Appeal No.114 of 2019. In this case also the Tribunal was dealing with a question of refund. The following extracts from this judgement need to be noted:

"12. In conclusion, we have to hold that the Authority was right in observing that no Limitation Act is prescribed under the Act for initiation of proceedings but that does not give a free passage to a litigant to agitate against a developer/promoter at a time of his choosing and seek unhindered access to the benefits of the Act.

13. For any grievance to be raised, a reasonable time limit has to be prescribed particularly, when the Act is silent in this regard. We also have to understand that the RERA Act is a beneficial piece of legislation intended to regulate and check malpractices in the real estate sector by all the players, be it the promoter, allottee or the real estate agent.

14. Therefore, to our minds it would be safe to conclude that the period of limitation for initiating a suit i.e. 3 years should be the outer limit to raise the grievance under the Act. Even, while saying so, we do not intend to bind the process in a watertight compartment to discard a complaint initiated after a lapse of three years but rather, feel that a more appropriate course to be adopted by the Authority should be to mould the relief appropriately, so as to balance equities and ensure that the delay in invoking the proceedings does not result in unnecessary windfall to the allottee or any of the parties.

15. Keeping in view the above, we deem it appropriate to accept the appeal in part and hold the appellant entitled to a sum of Rs.5,85,000/- after deduction of 10% (Rs. 6,50,000/- minus Rs.65000/- along with interest at the prescribed statutory rate envisaged in the Act and Rules but looking at the delay of 7 years in initiating a complaint, we deem it appropriate to limit the amount of interest to a period of 36 months from the date of deposit of the principle amount."

11. In the present case too the complaints were filed 6 years after the promised date of possession had expired. It is also noteworthy that in the High Court case cited by complainants' Counsel the request for refund was made on 25.07.16 i.e within a month of offer of possession dated 30.06.16. In the present case the complainants waited for 5 years to file a complaint after the offer of possession dated 30.06.16. In fact even their request to the respondent was submitted with a delay of 4 years. Obviously, the complainants cannot be rewarded by way of accumulation of interest for their complete inaction in not seeking a refund for a long period. Thus the ratio of the Tribunal's decision is applicable to these complaints. Therefore, relief has to



## APPEAL Nos.162 & 163 OF 2022

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*be moulded to provide an equitable solution. I deem it appropriate that payment of interest may be confined to a period of 4 years.*

*12. As a result of the above discussion, these complaints are accepted and the respondent is directed to refund the amount deposited along with interest thereon at the prescribed rate (today's highest MCLR rate plus 2%) from the date of deposit till the date of its refund. It is reiterated that interest has to be paid only for a period of 48 months."*

6. As noticed earlier there was no dispute that the possession was delayed and the offer of possession made by the respondent on 30.06.2016 was held to be invalid. We may mention here that the respondent is not in appeal questioning these findings. The learned counsel for the appellants has argued that the letter of intent was issued to them on 31.05.2012 and the letter of allotment on 13.06.2016.
7. The total price of the residential units was Rs.69,00,000/- each. The appellants have paid 95% of the price of the apartment and had been agitating about the deficiencies in the project as also delay in handing over of possession and finally on 04.02.2020 they sought a refund which was not granted forcing them to file the complaint. It is thus argued that since the amount deposited by them remained with the respondent, the interest should have been granted for the entire period and the Authority went wrong by confining the interest to a period of 4 years by observing that the appellants had approached the Authority belatedly.
8. It is further argued that in fact there was no delay for the reason that the projects stood registered in 2017 and the respondents gave an undertaking to complete the project by 31.12.2018. Thereafter, extension was sought from the RERA for another year and still the possession was not given. Consequently a legal notice





was given in the year 2020 seeking a refund and the complaint was filed in 2021. According to the appellant all these factors when taken cumulatively show that there was no delay in approaching the Authority.

9. The respondents on the other hand had pleaded that the order of the Authority is well reasoned and does not warrant any interference. We have considered the arguments of both the parties.
10. The Authority itself has negated the offer of possession made on 30.06.2016 which finding has not been questioned by the respondent. The respondents have also conceded to delivery being delayed which, even otherwise manifests itself from the facts of the case. The allotment letter was issued in the year 2016 and the project was registered with the Authority in year 2017. This fact of registration in the year 2017 would indicate that it was not complete and was an ongoing project necessitating registration under the Act. The appellant by his own showing has stated that one year extension was granted by the Authority upto 31.12.2018 and despite this the possession was not given. Consequently the legal notice for asking for refund was given in year 2020.
11. Thus to our minds if the respondent itself had sought an extension upto 31.12.2018, the appellants could have had a legitimate expectation that the project would be completed as per the undertaking given by the developer to the Authority. The Complaint was filed in 2021 and the demand for refund was raised in 2020 for the first time i.e. prior to the complaint.



12. In this view of the matter we do not think that the authority was right in concluding with regard to the delay by the allottee in approaching the Authority or even raising a plea of refund, and if that be so then it could not restrict the benefit of interest to a period of 4 years (48 months). On the premise of delay in availing a statutory remedy by the allottee. The Authority has noticed that the complaint was filed after 6 years after the promised date of possession had expired but as observed in the foregoing paragraphs the allottee cannot be held liable for delay considering that the developer himself was seeking extension upto 31.12.2018. Therefore, we are of the opinion that the impugned order passed by the Authority needs to be set aside as the delay aspect has been held against the appellants erroneously. We are in agreement insofar as the admissibility of the appellant to the benefit of the interest is concerned but the period would necessarily relate to the period June 2016, onwards till the actual date of payment. With the aforesaid modification the appeal stands disposed of.

13. Files be consigned to the record room.



*Sd/-*  
**JUSTICE MAHESH GROVER (RETD.)**  
**CHAIRMAN**

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

October 30, 2023  
SR

Certified To Be True Copy

*T. Anand*  
Registrar  
Real Estate Appellate Tribunal Punjab  
Chandigarh

31/10/2023 *[Signature]*