

**Before the Real Estate Regulatory Authority,
Punjab**

Execution No. 66 of 2022
Complaint GC No.1749/2020
Date of Order: 20.12.2023

1. Rosy Nat w/o Shri Harshdeep Singh Nat
2. Harshdeep Singh Nat s/o Shri Avtar Singh

Both residents of House No.72, Sector 19-A, Chandigarh -
160019

....Complainants

Versus

1. Sukhm Infrastructure Pvt. Ltd. Yellow Stone Landmark Infocity,
Sector 66-A, SAS Nagar - 160062
2. Aeropolis Infrastructure Pvt. Ltd. Flat No.1272, Silvertone
Cooperative House Building Society, Sector 48-B, Chandigarh
160047

....Respondents

Present : 1. Shri Vipul Monga, Advocate for all the complainants
2. Shri Manoj Vashishtha, Advocate for respondents

ORDER

This is an application for execution of order dated 28.07.2021
vide which the respondents were directed to pay interest at the rate
of 9.30% p.a. with effect from 29.07.2020 till the time possession is
duly offered to the complainants after obtaining the Completion
Certificate.

2. It is stated in the execution application that the respondents have not paid the interest as ordered by this Authority on 28.07.2021. It is the prayer of the applicants that the interest be recovered from the respondents by attachment of the properties and bank accounts of the respondents. The applicants have attached a calculation sheet for payment of interest with effect from 29.07.2020 till 18.07.2022 amounting to Rs.31,89,249/- to be recovered from the respondents.

3. Notice was issued to the respondents. As per interim order dated 11.01.2023, respondent no.1 was served on 25.08.2022 and in respect of respondent no.2 it was reported by the postal authorities that 'no such person in the address'. The matter was adjourned to 01.02.2023 with a direction to the learned Counsel for the applicants/complainants to submit the fresh address of respondent no.2. On this date, Shri Manoj Vashishtha, learned Advocate appeared for both the respondents and stated that he is ready to comply with the order dated 28.07.2021. Accordingly, the learned Counsel for the respondents was directed to comply with the order dated 28.07.2021 within fifteen days from 01.02.2023 and the matter was adjourned to 05.04.2023. On 05.04.2023 the matter was further adjourned to 03.05.2023. When the matter was taken up on 03.05.2023 the learned Counsel for the respondents stated that the



respondents are ready to hand over possession to the complainants within thirty days and also set off the interest due from the remaining amount to be paid by the complainants. This course of action was endorsed by the learned Counsel for the complainants and the matter was adjourned to 14.06.2023. On this date, none was present on behalf of the complainants, but an email was received from them. The learned Counsel for the respondents stated that the development work was going on and is likely to be completed within six weeks' time and that possession would be offered thereafter. The matter was adjourned to 02.08.2023 for further proceedings. However no one was present on behalf of the respondents on 02.08.2023. The learned Counsel for the complainants stated that neither the possession has been delivered to them nor any interest has been paid and the matter was accordingly listed for arguments on 06.09.2023. When the matter was taken up on 06.09.2023, the learned Counsel for the respondents stated that talks of settlement are going on between the parties, and prayed for eight weeks' time. However, the learned Counsel for the complainants stated that he has no instructions in this regard. In the interest of justice, adjournment was allowed as prayed for by Counsel for the respondents and the matter was ordered to be listed on 25.10.2023. On this date, Coram was not complete and the matter was adjourned to 22.11.2023.



On 22.11.2023 both the learned Counsels for the parties addressed their arguments and the matter was fixed for pronouncement of orders.

4. We have gone through the record of this execution application. There is no dispute about the fact that vide order dated 28.07.2021 the respondents were directed to pay interest at the rate of 9.30% p.a. with effect from 29.07.2020, till a valid offer of possession was made.
5. It is also noted that respondents have not bothered to file their reply to explain as to why they have not complied with the order dated 28.07.2021. It is a matter of grave concern that the respondents have brazenly flouted the order dated 28.07.2021 and have shown no regard towards making compliance of the said order of the Authority. This is a serious matter wherein the respondents have been disobeying the order of this Authority and acting at their own free will. The respondents are directed to comply with the directions contained in this order in letter and spirit without fail.
6. From the above discussion, it is clear that the order dated 28.07.2021 has not been complied with by the respondents as on date. This is the reason that the present execution application has been moved by the complainants/ applicants. It is held that the



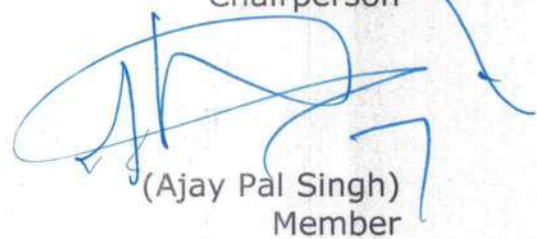
applicants are accordingly entitled for interest for the period of delay w.e.f. 29.07.2020 to 18.07.2022 to the tune of Rs.31,45,561/-.

7. This application is accordingly accepted and the respondents are directed to pay a sum of Rs.31,45,561/- to the applicants. Recovery Certificate be issued to the District Collector, SAS Nagar, Mohali, Punjab to affect the recovery of the arrears of interest amounting to Rs.31,45,561/- (as per calculation sheet attached as Annexure-1) from the respondents.

8. It is also made clear that if the order dated 28.07.2021 and this order is not complied with by the respondents within a period of sixty days of the receipt of this order, Registry is directed to initiate proceedings under Section 63 of the Act of 2016 against the respondents.



(Satya Gopal)
Chairperson



(Ajay Pal Singh)
Member



(Rakesh Kumar Goyal)
Member

Details of Interest Calculation for order dated 28.07.2021
Case Title - Rosy nat vs Sukhm Infrastructure Private Limited

Interest payable from	Amount	Interest calculated till	SBI highest MCLR as on 28.07.2021+2%	No. Of days	Interest Amount
29-07-2020	1,71,46,500	18-07-2022	9.30	720	31,45,561
	1,71,46,500				31,45,561

Interest	31,45,561
Total	31,45,561



Execution No.66 of 2022
in
Complaint No.GC 1749 of 2020

Rosy Nat and Anr Vs Sukhm Infra and Anr.

20.12.2023

Present: Shri Vipul Monga, Advocate for the applicant
Shri Manoj Vashishtha, Advocate for the respondent

Vide separate order, the execution application is allowed.



(Ajay Pal Singh)
Member



(Satya Gopal)
Chairperson



(Rakesh Kumar Goyal)
Member