

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

**M.A. NO. 30 OF 2018**  
*and*  
**APPEAL NO. 18 OF 2018**

M/s Janta Land Promoters, SCO No. 39-42, Sector-82, S.A.S.  
Nagar, Mohali.

....Appellant

**Versus**

Mandeep Kaur D/o Harjeet Singh Sodhi R/o House No. 613,  
Sarvihitkari Society, Sector-48-A, Chandigarh.

....Respondents

**Present:** Sh. Abhinav Gupta & Sh Vinay Pandey, Advocates for the  
appellant.

Sh. Suresh Kumar, Advocate for the respondent.

Sh. G.P.S Baweja, Legal Advisor o/o the Real  
Estate of Regulatory Authority, Punjab.

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**CORAM: JUSTICE RAJIVE BHALLA, (RETD), CHAIRMAN**  
**S.K. SHARMA, IPS (RETD.), MEMBER**

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**JUDGMENT: (Rajive Bhalla (J) (Retd): (oral)**

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**MISCELLANEOUS APPLICATION**

Prayer in this application is to condone delay in  
filing the appeal. The Registry is directed to assign a number to  
application. We have heard counsel for the parties and as sufficient  
cause has been shown, allow the application and condone delay of 29  
days in filing the appeal.

## APPEAL NO. 18 OF 2018 (O+M)

MAIN CASE:

Prayer in this appeal is to set aside order dated 20.04.2018, passed by the Real Estate Regulatory Authority, Punjab granting interest to the respondent from the date of deposit of payment.

The respondent filed a complaint in form- M seeking interest for delay in delivery of possession from 01.05.2017 to 31.08.2018. This apart the respondent also prayed for compensation and exemption from GST etc.

After addressing arguments, Counsel for the respondent fairly concedes that procedure prescribed by Rule 36 read with form- M has not been adhered to by the Authority and therefore prays that the impugned order may be set aside and the matter may be remitted for adjudication afresh.

Before recording our order, it would be appropriate to record that the manner in which power under Rule 36, is to be exercised is covered by a judgment, dated 20.09.2019, recorded by this Tribunal, in Appeal No.1 of 2018 tilted as *Emaar MGF Land Ltd. versus Kamalroop Singh Sooch and another*, though while interpreting Rule 37, which is para materia to Rule 36.

## APPEAL NO. 18 OF 2018 (O+M)

Consequently the appeal is allowed, order dated 20.04.2018 is set aside and the matter is remitted to the RERA for adjudication afresh, in accordance with law.

The Registry shall forward the amount deposited by the appellant to RERA which shall while deciding the complaint afresh, pass an order in relation of the amount so forwarded.

Parties are directed to appear before the Authority/ Appropriate Officer on 28.01.2019. The complaint be decided within two months from the aforesaid date.



JUSTICE RAJIVE BHALLA (RETD.)

CHAIRMAN



S.K SHARMA, IPS (RETD.)

MEMBER

January 14, 2019

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