

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

Subject: -

Appeal No. 26 of 2021

Punjab Urban Planning and Development authority
(PUDA), through its Estate Officer, GMADA/PUDA, PUDA
Bhawan, Sector-62, SAS Nagar (Mohali)-160062

....Appellant

Versus

1. Ramandeep Kaur W/o Gagandeep Singh, R/o, #2951,
Sector-42, Chandigarh-160036.
2. Real Estate Regulatory Authority, Punjab, 1st Floor, Block
B, Plot No.3, Madhya Marg, Sector-18, Chandigarh-
160008 through its Assistant Manager.

....Respondents

Memo No. R.E.A.T./2022/ 260

To,

**REAL ESTATE REGULATORY AUTHORITY, PUNJAB 1ST
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

1st day of June, 2022.

de

T. Chandinder Kaur

REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB



BEFORE THE REAL ESTATE APPELLATE,
TRIBUNAL, PUNJAB, SECTOR 17, CHANDIGARH-
160017.

MEMO OF PARTIES

Punjab Urban Planning and Development Authority
(PUDA), through its Estate Officer, GMADA/PUDA,
PUDA Bhawan, Sector-62, SAS Nagar (Mohali)-160062
...Appellant

Versus

1. Ramandeep Kaur W/o Gagandeep Singh, R/o,
#2951, Sector-42, Chandigarh-160036.

2. Real Estate Regulatory Authority, First Floor, Plot
No.3, Block-B, Madhya Marg, Sector-18/A, Chandigarh-
160018.
...Respondents

Place: S.A.S. Nagar
Date: 07.06.2021


(Bhupinder Singh)
Advocate
Counsel for the Appellant



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

Appeal No. 26 of 2021

Punjab Urban Planning and Development authority
(PUDA), through its Estate Officer,
GMADA/PUDA, PUDA Bhawan, Sector-62, SAS
Nagar (Mohali)-160062

....Appellant

Versus

1. Ramandeep Kaur W/o Gagandeep Singh, R/o,
#2951, Sector-42, Chandigarh-160036.
2. Real Estate Regulatory Authority, Punjab, 1st Floor,
Block B, Plot No.3, Madhya Marg, Sector-18,
Chandigarh-160008 through its Assistant Manager.

....Respondents

Present: - Mr. Bhupinder Singh, Advocate for the appellant.
Mr. Vinod Verma, Adv. for the respondent No.1.
Ms. Navdeep Kaur, Advocate for respondent No.2.

**CORAM: JUSTICE MAHESH GROVER (RETD.), CHAIRMAN
SH. S.K GARG DISTRICT AND SESSIONS JUDGE (RETD.)
ER. ASHOK KUMAR GARG, C.E. (RETD.), MEMBER
(ADMINISTRATIVE/TECHNICAL)**

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**JUDGMENT: (Sh. Mahesh Grover (Retd.), Chairman)
(oral)**



This appeal is directed against the order passed by the
Real Estate Regulatory Authority, Punjab (hereinafter

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known as the Authority) on 01.06.2020. The respondent (hereinafter known as complainant) filed a complaint before the Authority against the appellant with the allegation that an allotment letter was issued to the complainant on 10.08.2016 and the tentative price was fixed at Rs. 84 Lacs in addition to certain other attendant charges, such as cancer cess etc. The possession was to be handed over after completion of development works on this site or 18 months from the date of issuance of allotment letter whichever is earlier. Clause 4 (1) of the allotment letter is as below :-

“The possession of the said plot shall be handed over to the allottee after the compensation of the development works at site or 18 months from the date of issuance of the allotment letter whichever is earlier. If possession is not taken by the allottee within stipulated period, it shall be deemed to have been handed over on the expiry of the said date.”



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2. Having failed to complete the development works in given time, the non-delivery of possession led to the filing of a complaint before the Authority.
3. The Authority agreed with the complainant that there was delay in handing over of possession and granted relief in terms of Section 18 (1) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the Act) read with Rule 16 of the Punjab State Real Estate (Regulation and Development) Rules 2017. The appellant was burdened with payment of interest for the delayed period w.e.f. 09.02.2018 till the date of offer of possession. This amount was to be paid within 60 days of passing of the order.
4. The appellant questions this order on the ground that on 28.04.2017 a partial completion certificate had been granted by the Competent Authority, qua the area in which the plot of the complainant is situated. It is argued that since provisions of the Act requiring registration etc.



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came into effect from 01.05.2017, the Act would not be attracted to the facts of the case considering grant of completion certificate prior to the date of applicability of the Act.

5. We notice from the impugned order as also from the argument raised by the learned counsel for the respondent that the appellant were in admission of the fact of non-completion of development works. The Authority noticed this in the impugned order and affidavit dated ^{28.05.2020} ~~28.03.2022~~ of the Estate Officer on record bears out this fact. In Para No. 2 it has averred as follows:-



“That on the last date of hearing, the complainant through her counsel produced a photocopy of Tender Notice issued by the office of respondent for construction of Boundary wall and earh filling in deep plots at Gateway City, Sector 118-119, S.A.S. Nagar to substant here claim that plot No. 60 in this project allotted to her is not equipped with all the facilities including development work, sewerage etc. as per norms.”

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6. Evidently the development work was still incomplete. We are at pains to point out that the development work cannot be said to be complete without existence of facilities such as roads, electricity, sewerage and leveling of plots, besides, the provision of water supply etc. Without these, development work can be termed ^{as} illusory and meaningless. It can hardly be accepted that in an urban area a resident or an allottee, who spends huge amount (**in this case it was Rs. 80 lakhs**) can put to use a plot which he has aspired for without the amenities referred to above.
7. Therefore, the argument of the learned counsel for the appellant that development was completed as partial completion certificate stood granted, which would liberate the project or the area in which the plot of the complainant is situated, from the rigors of the Act, is without any substance.



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8. The Authority was right in negating this aspect and we have no reason to differ with it, particularly when a candid admission of the appellant ~~finds~~^{is} that finds mention in the affidavit, referred to above. The appellant therefore cannot escape the consequences of the Act and if that be so, the impugned order granting interest to the complainant is in conformity with the provisions of the Act and has to be upheld. Ordered accordingly.
9. Appeal being without any merit is dismissed. File be consigned to record room and a copy of this be communicated to the parties as well as to the Real Estate Regulatory Authority, Punjab.

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)

May 19, 2022
AN



Certified To Be True Copy

Manendra Kumar
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh

01/06/2022