

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

Subject: -

**APPEAL NO. 01 OF 2023**

M/s Janta Land Promoters Private Limited, Corporate Office  
SCO No.39-42, Sector-82, S.A.S Nagar, Mohali-140306.

...Appellant

Versus

1. Mandeep Kaur Sodhi, House No. 613, Sarvhitkari Society,  
Sector 48-A, Chandigarh, 160047.
2. Punjab Real Estate Regulatory Authority, Sector-18, Madhya  
Marg, Chandigarh.

....Respondents

Memo No. R.E.A.T./2023/139

To,

**REAL ESTATE REGULATORY AUTHORITY, PUNJAB 1<sup>ST</sup> FLOOR,  
BLOCK B, PLOT NO.3, MADHYA MARG, SECTOR-18,  
CHANDIGARH-160018.**



Whereas appeal 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 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 13<sup>th</sup>  
day of March, 2023.

*Manoj Kumar*  
REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

**IN THE HON'BLE REAL ESTATE APPELLATE TRIBUNAL PUNJAB**

RERA APPEAL NO. 01 of 2021  
(Arising out of Complaint No. GC No. 5 of 2018)

**MEMO OF PARTIES**

M/s. Janta Land Promoters Private Limited, Corporate Office, SCO No. 39-42, Sector-82, S.A.S. Nagar, Mohali – 140306

...Appellant

VERSUS

1. Mandeep Kaur Sodhi, House No. 613, Sarvhitkari Society Sector-48-A, Chandigarh, 160047.
2. Punjab Real Estate Regulatory Authority, Sector-18, Madhya Marg, Chandigarh.

...Respondents



Dated: - 15.11.2022  
Chandigarh

(Ranjit Singh Kalra) Advocate  
Counsel for the Appellant

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

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**APPEAL NO. 01 OF 2023**

M/s Janta Land Promoters Private Limited, Corporate Office  
SCO No.39-42, Sector-82, S.A.S Nagar, Mohali-140306.

...Appellant

Versus

1. Mandeep Kaur Sodhi, House No. 613, Sarvhitkari Society,  
Sector 48-A, Chandigarh, 160047.
2. Punjab Real Estate Regulatory Authority, Sector-18, Madhya  
Marg, Chandigarh.

....Respondents

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**Present: -** Mr. Ranjit Singh Kalra, Advocate for the appellant.

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

**ER. ASHOK KUMAR GARG, CHIEF ENGINEER  
(RETD.), MEMBER (ADMN./ TECH.)**



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

1. The appellant has impugned the order dated 28.07.2022  
of the Real Estate Regulatory Authority, Punjab  
(hereinafter referred to as the Authority). Its conclusion is  
contained in para 4 and 5, reading of which discloses,

that the Authority has virtually given effect to an order passed by us in earlier proceedings wherein the present appellant was also a party.

2. Para 4 and 5 of the impugned orders are extracted herebelow:-

*"4. I have considered the rival contentions carefully. It is clear that the points at issue have already been settled by the orders of the Appellate Tribunal, Punjab. The award of interest from 16.9.2017 has been upheld in Appeal No. 65 of 2022. Further the Appellate Tribunal, Punjab has held that there could not be distinction between allottees who had paid the additional payment on account of the apparent increase in super area and those who had not, as had been held by the Authority. Accordingly all allottees were held entitled to refund of the amount deposited on this account along with interest.*

5. This complaint is therefore accordingly accepted, and the following directions are issued:

- i. The respondent will pay interest at the prescribed rate (today's SBI highest MCLR rate plus 2%) from 16.9.2017 till 31.8.2018.
- ii. The amount already paid as compensation for delay in delivery of possession is entitled to be set off against the above amount.
- iii. A sum of Rs.1,63,800/- paid by the complainant for the increase in super area is to be refunded to the complainant along with interest at the prescribed rate (today's SBI highest MCLR rate plus 2%) from the date of deposit till the time of refund.



- iv. *The due amounts be paid by the respondent within 3 months of the date of issue of this order."*

To be true to the facts we need to mention that our order upon which the present impugned order is based was passed on 21.04.2022. It is equally pertinent to mention here that this order dated 21.04.2022 was taken up in appeal by the present appellant before the Hon'ble High Court in RERA Appeal No. 21 of 2022 and decided on 25.07.2022, upholding the order of this Court dated 21.04.2022. It is now argued before us that the orders of the Hon'ble High Court have been challenged before the Hon'ble Supreme Court where the proceedings are pending and an ad interim order has been passed granting stay to the extent of the impugned order directing refund to even those allottees who had not approached the Authority (Real Estate Regulatory Authority, Punjab) by filing a complaint.



Therefore the restraint order is limited and not a blanket one. Be that as it may the fact remains that as on today the Hon'ble High Court has dismissed the appellant's appeal qua an order dated 21.04.2022 passed by this Court upon which the present impugned order is largely based. There is no order to the contrary as on today. Hence, we do not intend to keep the matter on our board,

considering the affirmation of our view by the Hon'ble Court.

4. Pendency of the proceedings before The Hon'ble Supreme Court has been cited as the sole ground for us to interfere in the impugned order which to our minds may not constitute a sufficient ground to accept the appellant's plea.
5. For the aforesaid reason we do not find any merit in the appeal, which is dismissed accordingly.
6. Since the appeal stand dismissed, the amount deposited by the appellant in compliance of Section 43(5) of the Act be released to the appellant upon proper verification in accordance with law.

File be consigned to the record room.



*Sdr*  
**JUSTICE MAHESH GROVER (RETD.)**  
**CHAIRMAN**

*Sdr*  
**S.K. GARG, J** **S. JUDGE (RETD.)**  
**MEMBER (JUDICIAL)**

*Sdr*  
**ER. ASHOK KUMAR GARG, C.E. (RETD.),**  
**MEMBER (ADMINISTRATIVE/TECHNICAL)**

**March 06, 2023**  
**AG**

**Certified To Be True Copy**  
*Dhanraj Kaur*  
Registrar  
Real Estate Appellate Tribunal Punjab  
Chandigarh

*12/03/2023*