

**REAL ESTATE REGULATORY AUTHORITY, PUNJAB**  
**1st Floor, Block B, Plot No.3, Madhya Marg,**  
**Sector 18, Chandigarh -160018**  
**www.rera.punjab.gov.in**

**CIRCULAR**

No. RERA/Pb./ENF/15

Dated: 21/11/ 2018

The matter regarding the jurisdiction of the Adjudicating Officer vis-à-vis that of the Authority was considered by the Authority in its 7<sup>th</sup> meeting held on 09.10.2018.

After detailed discussions, the Authority noted that as made clear in Section 71 of the Real Estate (Regulation and Development) Act, 2016, the role of the Adjudicating Officer is confined to adjudging compensation under Sections 12, 14, 18 and 19 of the Act. Further, Section 72 of the Act lays down the factors that the Adjudicating Officer is to consider while adjudging the quantum of compensation.

Against this, an order for refund of money deposited by an allottee along with interest thereon, or one for payment of interest for delayed possession, does not require any determination on the basis of the factors enumerated in Section 72. The amount deposited is clearly known, and the rate of interest payable has been prescribed in the Rules itself. The interest claimed in such cases is not recompense for harassment and cannot be

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equated with the compensation envisaged in Sections 12, 14, 18 and 19 of the Act.

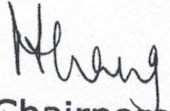
Therefore, it has been decided that a claim for refund of the amount deposited by a complainant with the respondent, along with interest thereon; or a claim for payment of interest for the period of delay in handing over possession of a unit; is not a claim for compensation and complaints in which such relief is claimed should be filed in Form 'M' and will be decided by the Authority or its concerned Bench. The complainant shall be free to file a separate claim in Form 'N' before the Adjudicating Officer for compensation envisaged in Sections 12, 14, 18 and 19 of the Act at the initial stage itself, in addition to his claim in Form 'M' for refund of amount deposited along with interest thereon or for interest for delay in handing over possession. Complainants should be advised and guided accordingly.

The Authority also noted that there would be cases where, despite the above clarification, the relief of compensation would be claimed in addition to the refund of the amount deposited and interest thereon, or in addition to the payment of interest for delayed possession. It was decided that such complaints would still be filed in Form 'M'; and if the point of compensation was actually pressed during hearing the complainant would be advised to file a separate complaint before the Adjudicating Officer for this purpose.

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The Legal Branch should scrutinize the complaints received henceforth in accordance with the above decision.

This issues in supersession of Circular No RERA/Pb./ENf/14 dated 29.10.18.

  
Chairperson  
Real Estate Regulatory Authority  
Punjab