

BEFORE THE RAJASTHAN REAL ESTATE APPELLATE TRIBUNAL, JAIPUR

1. Appeal No:288/2024

In Complaint No.RAJ-RERA-C-2023-6604

1. Lalita Soni, W/o Shashank Soni, R/o- 268 K, Surendra Nagar, Kuchaman City, Nagaur Rajasthan- 341508.**Appellant**

Versus

1. M/s. Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.
2. Raj Kumar Mathur, Director/Promoter/Authorised Signatory at M/s Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.
3. Authority Officer, Rajasthan RERA through the Registrar, having its registered office at 2nd Floor RSIC building Udyog Bhawan, Tilak Marg, C-Scheme, Jaipur.

.....**Respondents**

2. Appeal No: 289/2024

In Complaint No.RAJ-RERA-C-2023-6593

2. Suman Lata Bohra, C/o Sita Ram Bohra, R/o – Mithri, Nagaur, Rajasthan- 341533

.....**Appellant**

Versus

1. M/s. Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.
2. Raj Kumar Mathur, Director/Promoter/Authorised Signatory at M/s Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.
3. Authority Officer, Rajasthan RERA through the Registrar, having its registered office at 2nd Floor RSIC building Udyog Bhawan, Tilak Marg, C-Scheme, Jaipur.

.....**Respondents**

3. Appeal No: 290/2024

In Complaint No.RAJ-RERA-C-2023-6568

3. Monika Sain, W/o Kamal Kumar, R/o Hanuman Bagichi Ke Pass, Lichana, Nagaur, Rajasthan-341533

.....**Appellant**

Versus

1. M/s. Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.
2. Raj Kumar Mathur, Director/Promoter/Authorised Signatory at M/s Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.
3. Authority Officer, Rajasthan RERA through the Registrar, having its registered office at 2nd Floor RSIC building Udyog Bhawan, Tilak Marg, C-Scheme, Jaipur.

.....**Respondents**

4. Appeal No: 294/2024

In Complaint No.RAJ-RERA-C-2023-6582

4. Ambika Shekhawat, W/o Datar Singh, R/o Ward No. 1, Kuchaman City, Dist, Nagaur, Rajasthan- 341508**Appellant**

Versus

1. Authority Officer, Rajasthan RERA through the Registrar, having its registered office at 2nd Floor RSIC building Udyog Bhawan, Tilak Marg, C-Scheme, Jaipur.
2. M/s. Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.
3. Raj Kumar Mathur, Director/Promoter/Authorised Signatory at M/s Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.

.....**Respondents**

5. Appeal No: 295/2024

In Complaint No.RAJ-RERA-C-2023-6602

5. Suman, W/o Ramawtar Soni, R/o Bazar Mohalla, Nosal, Ajmer, Rajasthan- 305814

.....**Appellant**

Versus

1. Authority Officer, Rajasthan RERA through the Registrar, having its registered office at 2nd Floor RSIC building Udyog Bhawan, Tilak Marg, C-Scheme, Jaipur.
2. M/s. Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.
3. Raj Kumar Mathur, Director/Promoter/Authorised Signatory at M/s Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.

.....**Respondents**

6. Appeal No: 296/2024

In Complaint No.RAJ-RERA-C-2023-6592

6. Jyoti Sharma, Sita Ram Bohra, R/o Nimbark Colony, Thathana, Mithri, Nawa, Nagaur, Rajasthan- 341509

.....**Appellant**

Versus

1. Authority Officer, Rajasthan RERA through the Registrar, having its registered office at 2nd Floor RSIC building Udyog Bhawan, Tilak Marg, C-Scheme, Jaipur.
2. M/s. Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.
3. Raj Kumar Mathur, Director/Promoter/Authorised Signatory at M/s Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.

.....**Respondents**

7. Appeal No: 297/2024

In Complaint No.RAJ-RERA-C-2023-6576

7. Lalita Sharma, R/o Ward No. 18, Ramgarh Sikar, Rajasthan- 332703Appellant

Versus

1. Authority Officer, Rajasthan RERA through the Registrar, having its registered office at 2nd Floor RSIC building Udyog Bhawan, Tilak Marg, C-Scheme, Jaipur.
2. M/s. Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.
3. Raj Kumar Mathur, Director/Promoter/Authorised Signatory at M/s Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.

.....Respondents

8. Appeal No: 298/2024

In Complaint No.RAJ-RERA-C-2023-6589

8. Gulab Kanwar, R/o- 24, Mukhya Gram, Baladhana, Nagaur, Rajasthan-340302Appellant

Versus

1. Authority Officer, Rajasthan RERA through the Registrar, having its registered office at 2nd Floor RSIC building Udyog Bhawan, Tilak Marg, C-Scheme, Jaipur.
2. M/s. Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.
3. Raj Kumar Mathur, Director/Promoter/Authorised Signatory at M/s Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.

.....Respondents

9. Appeal No: 299/2024

In Complaint No.RAJ-RERA-C-2023-6584

9. Chen Kanwar, R/o- 196, Near Tagore School Miradha Nagar, Kuchaman City, Rajasthan- 341508Appellant

Versus

1. Authority Officer, Rajasthan RERA through the Registrar, having its registered office at 2nd Floor RSIC building Udyog Bhawan, Tilak Marg, C-Scheme, Jaipur.
2. M/s. Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.
3. Raj Kumar Mathur, Director/Promoter/Authorised Signatory at M/s Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.

.....Respondents

10. Appeal No: 300/2024

In Complaint No.RAJ-RERA-C-2023-6584

10. Sheetal Sharma, W/o Nitesh Kumar Sharma, R/o- Lichana, nagaur, Lichana, Rajasthan-341533Appellant

Versus

1. Authority Officer, Rajasthan RERA through the Registrar, having its registered office at 2nd Floor RSIC building Udyog Bhawan, Tilak Marg, C-Scheme, Jaipur.
2. M/s. Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.
3. Raj Kumar Mathur, Director/Promoter/Authorised Signatory at M/s Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.

.....Respondents

11. Appeal No: 301/2024

In Complaint No.RAJ-RERA-C-2023-6578

11. Nirmala Choudhary, W/o Ugama Ram, R/o- Luhariya Ki Dhani, Borawar, Nagaur, Rajasthan-341502Appellant

Versus

1. Authority Officer, Rajasthan RERA through the Registrar, having its registered office at 2nd Floor RSIC building Udyog Bhawan, Tilak Marg, C-Scheme, Jaipur.
2. M/s. Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.
3. Raj Kumar Mathur, Director/Promoter/Authorised Signatory at M/s Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.

.....Respondents

12. Appeal No: 302/2024

In Complaint No.RAJ-RERA-C-2023-6612

12. Shakuntala Verma, W/o Satyanarayan, R/o- Surendra Nagar, Kuchaman City, Nawa, Nagaur, Rajasthan- 341509Appellant

Versus

1. Authority Officer, Rajasthan RERA through the Registrar, having its registered office at 2nd Floor RSIC building Udyog Bhawan, Tilak Marg, C-Scheme, Jaipur.
2. M/s. Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.
3. Raj Kumar Mathur, Director/Promoter/Authorised Signatory at M/s Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.

.....Respondents

13. Appeal No: 303/2024

In Complaint No.RAJ-RERA-C-2023-6599

13. Rekha Choudhary, W/o Shailesh Choudhary, R/o Behind Krishi Mandhi, Surendra Nagar, Kuchaman City, Nagaur, RajasthanAppellant

Versus

1. Authority Officer, Rajasthan RERA through the Registrar, having its registered office at 2nd Floor RSIC building Udyog Bhawan, Tilak Marg, C-Scheme, Jaipur.
2. M/s. Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.
3. Raj Kumar Mathur, Director/Promoter/Authorised Signatory at M/s Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.

.....Respondents

14. Appeal No: 304/2024

In Complaint No.RAJ-RERA-C-2023-6609

14. Saroj Bugaliya, W/o Kumbha Ram, R/o- Bhanwarpura, Ugarpura, Nagaur, Rajasthan-341508Appellant

Versus

1. Authority Officer, Rajasthan RERA through the Registrar, having its registered office at 2nd Floor RSIC building Udyog Bhawan, Tilak Marg, C-Scheme, Jaipur.
2. M/s. Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.
3. Raj Kumar Mathur, Director/Promoter/Authorised Signatory at M/s Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.

.....Respondents

15. Appeal No: 305/2024

In Complaint No.RAJ-RERA-C-2023-6564

15. Sayar Kanwar, W/o Rajendra Singh, R/o Garh Ke Pas, Meethari, Tehsil Nawa, Dist. Nagaur, Rajasthan- 341533Appellant

Versus

1. M/s. Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.
2. Raj Kumar Mathur, Director/Promoter/Authorised Signatory at M/s Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.
3. Authority Officer, Rajasthan RERA through the Registrar, having its registered office at 2nd Floor RSIC building Udyog Bhawan, Tilak Marg, C-Scheme, Jaipur.

.....Respondents

16. Appeal No: 306/2024

In Complaint No.RAJ-RERA-C-2023-6587

16. Radhika Sharma, W/o Narayan Prasad, R/o- 580, Sadar Bazar, Gopal Pura, The-Sujangarh, Churu, Rajasthan-331503Appellant

Versus

1. Authority Officer, Rajasthan RERA through the Registrar, having its registered office at 2nd Floor RSIC building Udyog Bhawan, Tilak Marg, C-Scheme, Jaipur.

2. M/s. Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.
3. Raj Kumar Mathur, Director/Promoter/Authorised Signatory at M/s Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.

.....Respondents

17. Appeal No: 307/2024

In Complaint No.RAJ-RERA-C-2023-6570

17. Suman Devi, W/o Ram Niwas, R/o- VPO- Kurli, Dikava, Dist- Nagaur, Rajasthan- 341506

.....Appellant

Versus

1. Authority Officer, Rajasthan RERA through the Registrar, having its registered office at 2nd Floor RSIC building Udyog Bhawan, Tilak Marg, C-Scheme, Jaipur.
2. M/s. Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.
3. Raj Kumar Mathur, Director/Promoter/Authorised Signatory at M/s Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.

.....Respondents

18. Appeal No: 01/2025

In Complaint No.RAJ-RERA-C-2023-6574

18. Anita Sharma, W/o Subhash Sharma, R/o- Kasumbi, Alipur, Ladnun, Nagaur, Rajasthan- 341304

.....Appellant

Versus

1. Authority Officer, Rajasthan RERA through the Registrar, having its registered office at 2nd Floor RSIC building Udyog Bhawan, Tilak Marg, C-Scheme, Jaipur.
2. M/s. Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.
3. Raj Kumar Mathur, Director/Promoter/Authorised Signatory at M/s Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.

.....Respondents

19. Appeal No: 02/2025

In Complaint No.RAJ-RERA-C-2023-6580

19. Sarita Sharma, W/o Dwarka Prasad, R/o- Dayalpura, Nagaur, Rajasthan- 341303

.....Appellant

Versus

1. Authority Officer, Rajasthan RERA through the Registrar, having its registered office at 2nd Floor RSIC building Udyog Bhawan, Tilak Marg, C-Scheme, Jaipur.
2. M/s. Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.

3. Raj Kumar Mathur, Director/Promoter/Authorised Signatory at M/s Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.

.....Respondents

20. Appeal No: 03/2025

In Complaint No.RAJ-RERA-C-2023-6572

20. Manju Devi, W/o Raghuvir Singh, R/o- VPO- Khariyak, Deendarpura, Berichhoti, Nagaur, Rajasthan- 341551

.....Appellant

Versus

1. Authority Officer, Rajasthan RERA through the Registrar, having its registered office at 2nd Floor RSIC building Udyog Bhawan, Tilak Marg, C-Scheme, Jaipur.
2. M/s. Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.
3. Raj Kumar Mathur, Director/Promoter/Authorised Signatory at M/s Shree Ram Balaji Developers and Infrastructures Pvt. Ltd., F-8-B, First Floor, Pratap Plaza, Pratap Nagar, Tonk Road, Sanganer, Jaipur, Rajasthan-302033.

.....Respondents

CORAM:

Mr. Justice Madan Gopal Vyas, Hon'ble Chairperson

Mr. Yudhisthir Sharma, Hon'ble Member (Judicial)

PRESENT:

For appellant: Mr. Mohit Pareek, Advocate

For respondents: Mr. Chandra Shekhar Sinha with Mr. Dev Yadav, Advocate

ORDER

Reserved on 12th February, 2026:

Pronounced on 24th February, 2026:

Per: Justice Madan Gopal Vyas, Hon'ble Chairperson

The Allottees have filed above captioned appeals under Section 44 of The Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as "RERA Act, 2016") against the orders passed by Rajasthan Real Estate Regulatory Authority (hereinafter referred to as "Regulatory Authority") dated 28th August, 2024 whereby, complainants were directed to take possession and pay the remaining amount, if any and delay interest was offered from the expected date of possession i.e. 23/11/2021 till the offer of possession. Since, all the complaints

were decided by a common order passed by RERA and as all the present appeals arise out of the said common order, they are being heard and decided together by way of this common order.

2) The facts of the case in brief are that the Allottees applied for their respective flat in the project of the Developer - "Sai Angan" situated at Kuchaman City, District Nagaur, under the Prime Minister Jan Awas Yojna-2015. The project is registered with the Regulatory Authority under registration number RAJ/P/2017/555. At the time of booking, the Developer represented that all necessary approvals and permissions had been obtained and assured that possession of the flat would be delivered by July 2020.

The details of all the above Allottees, as per impugned-order dated 28/08/2024, are mentioned hereinbelow:-

S. No.	Name of the appellant (appeal number)	Unit No.	Consideration (in Rs.)	Amount paid (in Rs.)	Agreement to Sell executed on	Expected Delivery of Possession	Date of Offer of Possession
1.	Sheetal Sharma (300/2024)	224	14,64,000/-	14,64,000/-	10.01.2018	23/11/21	18.08.2023
2.	Sayar Kanwar (305/2024)	215	8,80,000/-	7,97,100/-	07.05.2018	23/11/21	07.08.2023
3.	Monika Sain (290/2024)	211	8,80,000/-	8,80,000/-	18.01.2018	23/11/21	16.08.2023
4.	Suman Devi (307/2024)	826	14,64,000/-	14,64,000/-	02.03.2018	23/11/21	30.08.2023
5.	Manju Devi (03/2025)	918	14,64,000/-	14,64,000/-	02.03.2018	23/11/21	30.08.2023
6.	Anita Sharma (1/2025)	417	8,80,000/-	8,80,000/-	16.08.2018	23/11/21	18.08.2023
7.	Lalita Sharma (297/2024)	805	8,80,000/-	8,80,000/-	13.02.2018	23/11/21	21.08.2023
8.	Nirmala Choudhary(301/2024)	124	14,64,000/-	14,64,000/-	18.01.2018	23/11/21	30.08.2023
09.	Sarita Sharma(02/2025)	412	8,80,000/-	8,80,000/-	17.01.2018	23/11/21	16.08.2023
10.	Ambika Shekhawat(290/2024)	304	8,80,000/-	8,38,000/-	09.01.2018	23/11/21	16.08.2023
11.	Chen Kanwar(299/2024)	303	8,80,000/-	8,37,100/-	08.01.2018	23/11/21	16.08.2023
12.	Radhika Sharma(306/2024)	618	14,64,000/-	14,64,000/-	24.04.2018	23/11/21	21.08.2023
13.	Gulab Kanwar(298/2024)	727	14,64,000/-	13,96,300/-	18.02.2019	23/11/21	30.08.2023

14.	Jyoti Sharma(297/2024)	115	8,80,000/-	8,80,000/-	03.02.2018	23/11/21	16.08.2023
15.	Suman Lata Bohra(289/2024)	114	8,80,000/-	8,80,000/-	03.02.2018	23/11/21	16.08.2023
16.	Rekha Choudhary (303/2024)	420	14,64,000/-	13,96,300/-	11.04.2018	23/11/21	21.08.2023
17.	Suman Soni(295/2024)	423	14,64,000/-	14,64,000/-	09.01.2018	23/11/21	21.08.2023
18.	Lalita Soni(288/2024)	421	14,64,000/-	13,96,300/-	09.01.2018	23/11/21	21.08.2023
19.	Saroj Bugaliya(304/2024)	626	14,64,000/-	13,96,300/-	28.12.2018	23/11/21	21.08.2023
20.	Shakuntala Verma(302/2024)	422	14,64,000/-	13,96,300/-	09.01.2018	23/11/21	21.08.2023

3) However, the Developer failed to deliver possession within the promised timeline, resulting in significant delay. Aggrieved by this, the Allottees filed complaints before Regulatory Authority under Section 31 of the RERA Act, 2016. The Authority, vide order dated 28/08/2024 in all the complaints, partly allowed the complaints and directed the Developer to pay interest at the rate of Highest MCLR + 2% that is 11.10% per annum (excluding the moratorium period) from 23/11/2021, being the expected date of possession, until the offer of possession was made. However, the Authority rejected the Allottees' prayer for refund of the amount paid and instead directed all the Allottees to take possession of the allotted units subject to payment of any remaining outstanding amount. The relevant portion of the impugned order dated 28/08/2024 is reproduced below:-

"Therefore, the complainants are directed to take possession and pay the remaining amount, if any. However, since there has been delay in offering possession, delay interest is allowed to the complainants from the expected date of possession, i.e., 23.11.2021 till the offer of possession was made (as depicted in the table above) (after receiving completion certificate) @ 9.10% highest MCLR of SBI + 2%, i.e., 11.10% per annum excluding moratorium period, if any. Compliance be made within 45 days of uploading of this order on the web portal of this Authority."

4) Mr. Mohit Pareek, counsel appearing for the Allottees argued that the developer had obtained a completion certificate dated 20/05/2022 and subsequently issued an offer of possession letters in August, 2023, which was after the filing of the complaint. Counsel contends

that the completion certificate was fraudulently obtained without completing the project and that commercial shops were constructed in the area originally designated for parking, amounting to a material deviation from the sanctioned plan and breach of agreement. Being aggrieved by the order dated 28/08/2024, which Allottees considers arbitrary and unspeaking, sought to set aside the impugned order claiming refund of their invested/deposited amount with interest.

5) *Per contra*, Mr. Chandra Shekhar Sinha, counsel appearing for the respondent/promoter submitted that the development work in the project has already been completed and that a Completion Certificate has duly been obtained on 20/05/2022 (reflected and updated on the website of the RERA Authority). Copy thereof has already been produced along with a detailed list of all flats sold, specifying the notices issued, the status of registration of the conveyance deeds and the occupancy status of each unit before RERA and the project stands completed. It was additionally submitted that out of a total of 180 bookings, more than 60 families are presently residing in the project premises.

6) It is evident from the record as per tabulation provided in Para No.2, all the appellants-allottees allotted respective units after execution of Agreement for Sale in year 2018 and one allottee Gulab Kanwar executed Agreement for Sale on 18.2.2019. Almost total sale consideration were deposited by appellants-complainants and expected date of delivery of possession was 23.11.21. It is also admitted between the parties that promoter-respondent not only obtained Completion Certificate from competent Authority on 20.05.2022 but also accepted by Regulatory Authority on 14.08.2022. As per order of Rajasthan Real Estate Regulatory Authority No. F1 (146) RJ/RERA/2020/848 dated 13.05.2020 provided extension of estimated finish date and validity of registration for 12 months not only for ongoing projects but also for

lapsed or revoked projects, therefore, Covid -19 pandemic may be treated as “*Force Majeure*” as defined in RERA Act, 2016, and after getting Completion Certificate respondent-promoter has issued offer of possession to all the appellant-allottees in August, 2023. In such circumstances for well-being of real estate project integrity and stake holders’ equity learned Regulatory Authority rightly rejected the claim of refund after post Completion of project. Hon’ble Apex Court in the matter of **Ireo Grace Realtech Pvt. Ltd. Vs Abhishek Khanna (Civil Appeal No. 5785 of 2019)** also laid down the principal after post completion of project refund should not be granted for well-being of real estate sector. But complainants are at liberty to withdraw from the project as per contractual terms and conditions of the agreement. Therefore, the impugned order dated 28.08.2024 does not suffer any arbitrariness or without jurisdiction, therefore, liable to be affirmed.

7) In the light of above observation the impugned order dated 28.08.2024 passed by learned Regulatory Authority in all the complainants is affirmed and all the appeals preferred by allottees-complainants are hereby dismissed.

8) Interim application(s), if any shall also stand closed.

9) Cost made easy.

10) A copy of this order be transmitted to the learned counsel for the parties/parties, and Raj-RERA, Jaipur and also be kept on record in every appeal.

11) File be consigned to record.

**Yudhishtir Sharma,
Member (Judicial)**

**Justice Madan Gopal Vyas,
Chairperson**