

**RERA Appeal No.28 of 2026 (O&M)****1****IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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RERA Appeal No.28 of 2026 (O&M)
Date of decision: April 7th, 2026

M/s Experion Developers Private Limited

.....Appellant

Versus

Rajendra Kumar

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHLPresent: Mr. Kunal Mulwani, Advocate
for the appellant.Mr. Karanveer Jindal, Advocate
for the respondent.**VIKAS BAHL, J. (ORAL)**

1. Challenge in the present appeal is to the order dated 12.02.2026 vide which the Appellate Tribunal has dismissed the appeal on the ground that there is deficiency of an amount of ₹46,01,622/- for the purpose of complying with the provision of Section 43(5) of the RERA Act. The amount as mentioned in the order of the Appellate Tribunal is on the basis of the report of the registry.

2. On 11.03.2026, this Court was pleased to pass the following order:

“Present: Mr. Kunal Mulwani, Advocate, for the appellant.

Inter alia, contends that in the present case, 10% of the sale consideration of Rs.2,29,38,307/- was to be deducted from the amount which had been paid by the respondent i.e. Rs.94,07,158/- and the said amount had to



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be deducted from the principal amount for the purpose of compliance of the provision of Section 43(5) of the Real Estate (Regulation and Development) Act, 2016.

Learned counsel for the appellant has submitted the correct calculations on a piece of paper which is reproduced herein below: -

"Calculations as per Appellant

<i>Total sale consideration</i>	<i>22938307</i>
<i>10%</i>	<i>2293831</i>
<i>Amount paid</i>	<i>9407158</i>
<i>Refundable amount</i>	<i>7113327</i>
<i>Period 27 April 2017 to 17 May 2025</i>	<i>2942</i>
<i>Interest at 11.10%</i>	<i>6364226</i>
<i>Pre-deposit u/s 43(5)</i>	<i>13477553</i>
<i>Deposit Done</i>	<i>13396539</i>
<i>Difference (undertake to deposit)</i>	<i>81014</i>
<i>Deposit as per Registry</i>	<i>17998161</i>
<i>Difference</i>	<i>4520608"</i>

It is argued that the appellant has already deposited an amount of Rs. 1,33,96,539/- and only an additional amount of Rs.81,014/- is required to be deposited which the appellant undertakes to deposit. It is submitted that the calculations made by the Registry of the Tribunal to the effect that an amount of Rs.1,79,98,161/- is to be deposited is incorrect. It is further submitted that the appellant is ready to pay litigation expenses to the respondent to the extent of Rs.25,000/-.

Notice of motion for 07.04.2026.

Notice re: stay as well.

To be taken up after the urgent matters.

Liberty is granted to the appellant to serve the respondent through dasti process as well.



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March 11, 2026”

3. Learned counsel for the appellant has submitted that in pursuance of the same, the appellant has brought an amount of ₹25,000/- and has handed over the same to the counsel for the respondent, which has been reaffirmed by the counsel for the respondent.
4. Learned counsel for the respondent has submitted that in the present case, as per the chart which has been referred to by the appellant, the period for interest has been mentioned form 27.04.2017 to 17.05.2025. It is submitted that the said period should be up to 17.07.2025 which was the date on which the appeal was filed before the Appellate Tribunal. It is submitted that in view of the same, the interest component should change.
5. During the course of arguments, a very fair stand has been taken by the counsel for the appellant and counsel for the respondent and a joint calculation sheet has been submitted and the said joint calculation sheet is reproduced hereinbelow:

CALCULATION SHEET

Total Sale Consideration	INR 2,29,38,307/-
10% of total sale consideration	INR 22,93,831/-
Amount Paid	INR 94,07,158/-
Refundable amount	INR 71,13,327/-
Period 27.04.17 till 17.07.25	3002 days
Interest at 11.10%	INR 64,94,019/-
Pre- deposited amount under section 43(5) (Principle +Interest)	INR 1,36,07,346/-
Deposit done	INR 1,33,96,539/-
Amount paid pursuant to the Hon'ble High Court's Order dated 11.03.2026	INR 81,014/-
Total amount deposited	INR 1,34,77,553



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Additional amount to be deposited (1,36,07,346/- - 1,34,77,553)	INR 1,29,793/-
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6. Learned counsel for the appellant has submitted that since as per the abovesaid joint calculation/revised sheet, further amount of ₹1,29,793/- is still due, the appellant would deposit the same within a period of ten days from today and on depositing the same, the impugned order be set aside and the appeal be revived and the Appellate Tribunal be requested to decide the case on merits.

7. Learned counsel for the respondent has submitted that the respondent would also put in appearance on the date when the appeal is to be taken up so as to assist the Appellate Tribunal in deciding the case.

8. Keeping in view the abovesaid facts and circumstances and the fair stand taken by the counsel for the appellant as well as counsel for the respondent, the present appeal is allowed and the order dated 12.02.2026 in which the amount of deficit fee was calculated on the basis of the report submitted by the registry is set aside with the following observations/directions:

- (i) As undertaken before this Court, the appellant would deposit an amount of ₹1,29,793/- within a period of ten days from today with the registry of the Appellate Tribunal.
- (ii) On deposit of the said amount, a date would be given for hearing of the appeal by registry of the Appellate Tribunal to the appellant as well as the respondent.
- (iii) The Appellate Tribunal is requested to decide the appeal on merits.

April 7th, 2026
Puneet

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No