

Rajesh Thakur
Vs.
M/s Sohi Builders

(Unregistered project)

Present: Complainant in person.
Sh. Arun, counsel for the respondent.

Matter heard through V.C.


The complainant submitted a written statement stating that he wishes to withdraw the complaint on the grounds that since the project is not registered with RERA, the complaint is not maintainable with the authority. He was explained that this is not a valid ground to withdraw the complaint as the authority is within its power to proceed against the projects even if the project is not registered. The Real Estate Appellate Tribunal, Punjab vide its judgment dated 24.07.2019 in matter of *M/s. Silver City Construction Ltd. Vs. State of Punjab through Principal Secretary, Department of Housing and Urban Development and others* has held the following:-

- i. *Appeal No. 49 of 2018 is allowed and the impugned order dated 21.12.2017 (A-1) passed by the Real Estate Regulatory Authority, Punjab is quashed and set aside.*
- ii. *The proceedings of complaints No. 5 & 7 are remitted to the Real Estate Regulatory Authority, Punjab for decision on merits of the complaints.*
- iii. *The Real Estate Regulatory Authority, Punjab shall also decide the validity of the revisional order dated 04.03.2016 (A-2) on its own merits after hearing the rival parties.*
- iv. *The Full Bench judgment dated 13.12.2017 passed in complaint No. 3 of 2017 titled as "Bikramjit Singh and other Versus State of Punjab and others" holding that the complaints against promoters in relation to the projects that are not registered with Real Estate Regulatory Authority, Punjab are not maintainable is declared as no longer good law with reference to para 41(2) thereof".*

Accordingly, the Appellate Tribunal has held that the Authority is competent to proceed against the projects, irrespective of the fact whether they are registered or not. Hence, the present complaint is maintainable. Despite this clarification, he made a statement that he wishes to withdraw the present complaint.

In view of the above, request is accepted and complaint is dismissed as withdrawn. File be consigned to record room. Both the parties informed accordingly.

Chandigarh
Dated: 14.10.2020


(SANJIV GUPTA)
Member 14/10/20
RERA, Punjab