

Complaint No.Member, RERA No.24 of 2017

Jasbir Kaur V/s M/s Bajwa Developers.

Dated: 24.01.2018

Present: Ms. Jasbir Kaur complainant in person.

Heard, Ms.Jasbir Kaur has filed this instant complaint against the respondent alleging certain violations and contraventions. The case is at initial stage i.e. for deciding the point of maintainability of the complaint. The complainant was to establish that the project to which this complaint pertains, is registered one.The complainant could not refer the registration no. of the project. The office has given the report including the about non registration of the projects New Friends Enclave.

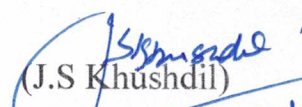
2. This Authority has held in case of Bikramjit Singh and others, complaint No.3of 2017 decided on 13/12/2017 that the complaint would not be maintainable in relation to the projects which are not registered with this Authority. This decision was further followed in the subsequent cases also. The Hon'ble Bombay High court has further held in Judicial Pronouncement No.2737 of 2017 dated 06/12/2017 in case of Neelkamal Realtors suburban Pvt. Ltd and others V/s Union of India and others that" the Authority concerned would be dealing with the case coming before it in respect of projects registered under RERA". Thus, in view of the decision of the Hon'ble Bombay High Court & decision of this Authority this complaint is held not maintainable. The complaint is accordingly rejected, however, the complainant is at liberty to file a fresh complainant in the proper forum if so advised.

3. As per the report of the office the project to which the complaint relates, is not registered under section 3 of the Act, The promoter, however, is required to get a real estate project register with the Real Estate Regulatory Authority unless such promoter seeks exemption under this Act vis a vis under section 3.Thus, without getting the project registered no promoter shall advertise, market book sell or offer for sale or invite persons to purchase in any manner any plot apartment or building as the case may be. Therefore, it is required from the respondent

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promoter to get his project registered if the same is not registered. The promoter may be asked to get his project register or to explain to why and how his project is exempted from the requirement of registration of the registration of the project under reference. Copy of the order be sent to the complainant. A copy of this order be also forwarded to the Administration Branch of this Authority to initiate further legal action against the promoter under law.

The main file be consigned to the record room.


(J.S Khushdil)
Member.,RERA 24/11/2018