

# Before the Real Estate Regulatory Authority, Punjab

Complaint Nos. 5 and 7 of 2017

Date of Decision – 21/12/2017

## Complaint No. 5

Silver City (Main) Residents Welfare Association (Regd)

Complainant

Versus

- 1) The Chief Administrator-cum-Competent Authority, GMADA
- 2) The Executive Officer, Municipal Committee, Zirakpur
- 3) Silver City Housing & Infrastructure Limited, Zirakpur

Respondents

## Complaint No. 7

Silver City Constructions Limited

Complainant

Versus


- 1) Principal Secretary,  
Department of Housing Urban Development
- 2) Municipal Council, Zirakpur
- 3) Director, Department of Local Bodies, Punjab
- 4) The Chief Administrator, Greater Mohali Area Development Authority
- 5) Residents Welfare Association (Regd), Silver City, Zirakpur

Respondents

- Present: 1) Sh.S.K.Malik, President, Silver City (Main) RWA, Zirakpur.
- 2) Wg.Cdr. S.S.Sawant, Legal Advisor of the RWA.
  - 3) Sh.Rajiv Malhotra, Advocate- for Silver City Housing and Infrastructure Limited.

### ORDER

This order will decide two complaints – No. 5 and 7 of 2017 – that were relegated to this Authority by the order dated 26/04/2017 of the Hon'ble Punjab & Haryana High Court. Since common points of law and fact are involved in each of these complaints, they shall be disposed off by a single order – and a copy thereof be placed on each file.

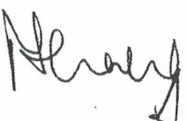
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- 2) There has been prolonged litigation on a variety of issues in various forums between the parties, one of whom is the Association of allottees (Complainant in complaint No. 5) and the other (Complainant in complaint No. 7) is the Promoter of a Real Estate project called Silver City.
  - 3) The present proceedings are however limited to only one issue i.e. provision of community center for use by the residents. This issue was considered by the

Hon'ble Punjab & Haryana High Court in Writ Petition No. 24511 of 2015, and vide its order dated 26/11/2015, the Secretary to Govt. of Punjab, Department of Housing and Urban Development cum Revisional Authority of Punjab Apartment and Property Regulation Act, 1995 was directed to dispose off the matter as soon as possible. Through its order dated 04/03/2016, the Revisional Authority directed that in an area of 8212 sq.yds may be kept reserved for the purpose of the community centre, or the centre may be provided in the area already reserved for this purpose in the revised layout plan approved on 06/10/2009. Both parties moved High Court against this order. CWP No. 21272 of 2016 was filed by the Association seeking implementation of the order dated 04/03/2016, while CWP No. 25172 of 2016 was filed by the promoter praying that the order be quashed. Through its order dated 26/04/2017, the Hon'ble Punjab & Haryana High Court disposed off both the petitions and remanded the matter to this Authority for decision.

4) The matter has been heard earlier also and was ultimately fixed for today i.e. 21/12/2017. The previous date of hearing was 05/12/2017. In the intervening period, the Full Bench of the Authority has, in its decision on 13/12/2017 in complaint No. 3 of 2017, decided that there is no jurisdiction to hear complaints in relation to projects which are not registered with this Authority. This decision is binding on all benches, and on the full Authority itself. None of the parties has countered this position. The complaint No. 5 filed by the Association is accordingly rejected as not maintainable having been filed in relation to project that is not registered with this Authority. The Complaint No. 7 also meets the same fate since the promoter has not registered this project and is, thus, debarred from raising any issue relating to it before this Authority.

5) Both complaints are accordingly held to be not maintainable and are rejected as such.

  
(Sanjiv Gupta)  
Member

  
(Navreet Singh Kang)  
Chairperson

  
(J.S. Khushdil)  
Member