

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB
SCO No. 95-98, Bank Square, P.F.C Building, Sector-17-B, Chandigarh

Subject: -

APPLICATION NO. 10 OF 2022

APPEAL NO. 08 OF 2022

VINOD ISSAR

VERSUS

OMAXE CHANDIGARH EXTENSION DEVELOPERS PVT. LTD

Memo No. R.E.A.T./2022/ 97

To,

REAL ESTATE REGULATORY AUTHORITY, PUNJAB 1ST
FLOOR, BLOCK B, PLOT NO.3, MADHYA MARG,
SECTOR-18, CHANDIGARH-160018.

Whereas appeals titled and numbered as above was filed before the Real Estate Appellate Tribunal, Punjab. As required by Section 44 (4) of the Real Estate (Regulation and Development) Act, 2016, a certified copy of the order passed in aforesaid appeals is being forwarded to you and the same may be uploaded on website.

Given under my hand and the seal of the Hon'ble Tribunal this
04th day of March, 2022.



T. Shanand Kumar
REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

3-A

IN THE REAL ESTATE APPELLATE TRIBUNAL AT CHANDIGARH

APPEAL NO. 08 OF 2022

MEMO OF PARTIES

Vinod Issar, House No. 65, Sector 18-A, Chandigarh-160018

... Appellant

Versus

M/s Omaxe Chandigarh Extension Developers Pvt. Ltd. through its
Managing Director/Director, Indian Trade Tower, 1st Floor, Madhya Marg
Extension Road, New Chandigarh, SAS Nagar (Mohali), Punjab-140901.

... Respondent

Chandigarh
Date: 03.01.2022


(HIMANSHU GUPTA)
P-1190/2016
ADVOCATE
COUNSELS FOR COMPLAINANT



REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AT CHANDIGARH

APPLICATION NO. 10 OF 2022

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VINOD ISSAR

VERSUS

OMAXE CHANDIGARH EXTENSION DEVELOPERS PVT. LTD.

Present: - Mr. Himanshu Gupta, Advocate for the appellant.

Case taken up through video conferencing.

Counsel for the appellant makes a grievance of the fact that the residential unit, which has been allotted to the appellant was not complete in all respects as per the details of the brochure and the commitment of the promoter. A specific assertion has been made that flooring and other amenities (including lift) as promised were not existing at the time of offer of possession. A perusal of the impugned order shows that no such grievance was made before the Authority and the only assertion which finds mention in the order is the non-availability of a lift. The other issues regarding the increase in super area etc., has been taken care of by the Authority by granting the relief to the appellant. Since, we do not find any other issue regarding non-completion of development except for the lift ~~find~~ mentioned in the order, we are unable to accept the plea of the appellant that such issues were ever raised before the Authority in the first instance.

We would therefore, decline interference at this stage with regard to this plea of non-availability of amenities. Since the issue according to us, seems to have never been raised before the Authority in the first instance, it is a settled proposition of law that a grievance has to be pressed before the Court of first instance, which has the advantage of having both sides with the record and is therefore well equipped to evaluate the grievance of the aggrieved.



APPLICATION NO. 10 OF 2022

APPEAL NO. 08 OF 2022

2

Learned counsel for the appellant vehemently contends that these issues were indeed raised before the Authority but if that were so and such arguments were not noticed by the Authority, then it became the bounden duty of the appellant to first bring this to the notice of the Authority, that certain issues were argued but not noticed by the Authority in the order passed by it.

Confronted with this situation, learned counsel for the appellant prays that he be permitted to withdraw this instant appeal, so as to enable him to take recourse to remedies under law by approaching the Authority in the first instance with the grievance that has been now raised before us.

Without commenting on the remedies available to the appellant, we deem it appropriate to accept his prayer for withdrawal of the appeal.

Dismissed as withdrawn.

Sd/-
JUSTICE MAHESH GROVER (RETD.)
CHAIRMAN

Sd/-
S.K. GARG, D & S. JUDGE (RETD.)
MEMBER (JUDICIAL)

Sd/-
ER. ASHOK KUMAR GARG, C.E. (RETD.)
MEMBER (ADMINISTRATIVE/ TECHNICAL)

February 14, 2022
AN



Certified To Be True Copy
Manish Kumar
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh

04/03/2022