

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

Subject: -

APPEAL NO. 94 OF 2022

1. Raminder Kaur W/o Natha Singh.
2. Partap Singh S/o Natha Singh,
Residents of House No. 333, Ranjit Colony, Ranbir College Road,
Sangrur, Punjab.
3. Amritpal Kaur Parmar D/o Natha Singh & W/o Amandeep Singh
Parmar R/o Ward No. 08, Opposite Gurudwara, Tahiliana, Raikot,
Ludhiana, Punjab-141109.

...Appellants

Versus

1. Bathinda Development Authority through its Chief Administrator,
Bhangu Road, Bathinda, Punjab-151001.
2. Estate Officer, PUDA, Bathinda, Bhangu Road, Bathinda, Punjab-
151001

....Respondents

Memo No. R.E.A.T./2023/ 71.

To,

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



Whereas appeal 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 appeal 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 01st day of February, 2023.

REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

**BEFORE THE PUNJAB REAL ESTATE APPELLATE TRIBUNAL
AT CHANDIGARH**

Appeal No. 94 of 2022

In ADC No. 1253 of 2029

MEMO OF PARTIES

1. Raminder Kaur wife of Natha Singh
2. Partap Singh son of Natha Singh,
Residents of House No. 333, Ranjit Colony, Ranbir College Road,
Sangrur, Punjab
3. Amritpal Kaur Parmar daughter of Natha Singh & wife of Amandeep
Singh Parmar resident of Ward No.8, Opposite Gurudwara, Tahiliana,
Raikot, Ludhiana, Punjab-141109


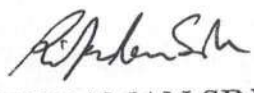
....Appellants/Complainants

Versus

1. Bathinda Development Authority through its Chief Administrator,
Bhangu Road, Bathinda, Punjab-151001
Estate Officer, PUDA, Bathinda, Bhangu Road, Bathinda, Punjab-
151001.

...Respondents

Chandigarh
Dated: 20.05.2022



SANJEEV GUPTA & RIPUDAMAN SINGH
ADVOCATE
COUNSEL FOR THE APPELLANTS



**BEFORE THE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB
AT CHANDIGARH**

APPEAL NO. 94 OF 2022

1. Raminder Kaur W/o Natha Singh.
2. Partap Singh S/o Natha Singh,
Residents of House No. 333, Ranjit Colony, Ranbir College
Road, Sangrur, Punjab.
3. Amritpal Kaur Parmar D/o Natha Singh & W/o Amandeep
Singh Parmar R/o Ward No. 08, Opposite Gurudwara,
Tahiliana, Raikot, Ludhiana, Punjab-141109.

...Appellants

Versus

1. Bathinda Development Authority through its Chief
Administrator, Bhangu Road, Bathinda, Punjab-151001.
2. Estate Officer, PUDA, Bathinda, Bhangu Road, Bathinda,
Punjab-151001

....Respondents

Present: - Mr. Sanjeev Gupta, Advocate for the appellants.
Mr. Ashish Grover, Advocate for the respondents.



CORAM:

**JUSTICE MAHESH GROVER (RETD.), CHAIRMAN
SH. S.K. GARG DISTT. & SESSIONS JUDGE
(RETD.), MEMBER (JUDICIAL)**

**ER. ASHOK KUMAR GARG, CHIEF ENGINEER
(RETD.), MEMBER (ADMN./ TECH.)**

JUDGMENT: (JUSTICE MAHESH GROVER (RETD.), CHAIRMAN)

(ORAL)

Appeal No. 94 of 2022

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1. By this order we shall dispose of an appeal preferred by the appellant against the order dated 10.03.2022 passed by the Real Estate Regulatory Authority, Punjab (hereinafter known as the Authority).
2. A short point is involved in the appeal. The appellants herein are the legal heirs of the deceased allottee who expired on 04.02.2019. A complaint was preferred by the present appellant on 26.06.2019 along with an affidavit in support of their claim as legal heirs of the deceased allottee which however was not acknowledged favorably by the Authority who went on to notice that even up to 14.10.2019 when the reply was filed by the respondents, the plot had not been transferred in favour of the present appellants and thus, ^{it} would deprive them of any legal status to file the complaint. The order of the Authority is dated 10.03.2022, but before that in February 2020 the plot had been transferred in favour of the present appellants by the respondents and this is the conceded case on facts.
3. The transfer letter is on record as Annexure A-6.
4. Having regard to the above we are of the opinion that the valuable right of the appellants to prosecute a complaint under the Act has been extinguished on insufficient grounds. It was the primary duty of the respondents to have brought to the notice of the Authority of the transfer ^{fact}



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in favour of the appellants particularly when such a question was being raised before the authority, Had ^{such} a document or information come on record, evidently the reasoning and conclusion of the Authority would have been different from the one in the impugned order.

5. It would thus be unjust to deprive the appellants of their rights to seek remedies under the Act particularly when now it has been established by the respondents themselves that the appellants are legal heirs of the deceased allottee.
6. The appeal is therefore accepted and the impugned order is set aside and the matter is remitted back to the Authority for consideration afresh. The parties are directed to appear before the Authority on 13.02.2023. In case any amendment to the pleadings is warranted the same be also filed before the Authority on or before the said date of hearing.

File be consigned to the record room.



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)

January 23, 2023
DS

Certified To Be True Copy
Phanoo Kaur
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh
01/02/2023