

1. **Complaint No. 73 of 2018**
Tarun Mehra

(alongwith)

2. **MC No.10442018**
Sanjay Kumar & Sweta Sanjay Kumar

3. **MC No.10512019**
Varun Kumar

4. **MC No. 10232018**
Subedar Singh

Vs.

K. Soni Builders

RERA Regn. No. Not Registered

Present:- Sh. Gurcharan Singh, Advocate (proxy counsel for Sh. Himanshu Raj, Advocate) for the complainant.
Sh. H.S. Gill, Advocate for the respondent.

The file was takenup today for consideration alongwith three other Misc. Complaints against respondent i.e. M/s. K.Soni Builders. The details of three other MCs are as follows:-

Sr. No.	MC No.	Complainants
1.	MC No. 10442018	Sanjay Kumar & Anr.
2.	MC No. 10512019	Varun Kumar
3.	MC No. 10232018	Subedar Singh

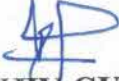
The contents of the complaint reveals that this is against a project which has not been registered so far. However, action U/s 59 of the Real Estate (Regulation & Development) Act, 2016 (hereinafter called as the 'Act') is already pending with the bench of the undersigned, in which a reply has been received on the last of hearing i.e. 19.6.2019 which was not found satisfactory and the case is separately listed for today.

This authority, in case of Bikramjit Singh and Others, Complaint No. 3 of 2017, decided on 13.12.2017, held that complaints shall not be maintainable in relation to the projects which are not registered with the Authority. The Hon'ble Bombay High Court has also held in its judicial pronouncement No. 2737 of 2017 dated 06.12.2017 in case of Neelkamal Realtors Suburban Pvt. Ltd. and others Vs. Union of India and Others that "*the Authority concerned would be dealing with the cases coming before it in respect of projects registered under RERA*".

Therefore, in view of the decision of the Hon'ble Bombay High Court, decision of this Authority and the report of the office that the project is not registered, this complaint is held to be not maintainable. The complaint is accordingly dismissed as not maintainable U/s. 31 of the Act. However, this complaint alongwith the above noted MCs be taken up alongwith the proceedings U/s 59 already pending with this bench and listed for today.

The complainants shall be at liberty to file a fresh complaint in form 'M' or 'N', on the same facts, as and when the project gets registered with this Authority. File be consigned to record room and copy of order be provided, free of cost, to both the complainant and the respondent.

Chandigarh
Dated: 10.07.2019


(SANJIV GUPTA)
Member
RERA, Punjab
10/07/19