

**BEFORE THE
REAL ESTATE REGULATORY AUTHORITY, PUNJAB,
SAS NAGAR (MOHALI)**

Complaint No.21 OF 2018
Date of Decision: 02.08.2018

Ashwani Kumar Sharma

...Complainant

Versus

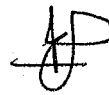
M/s. Preet Land Promoters & Developers (P) Ltd.

...Respondent

ORDER

A complaint in Form-M was received against the respondent in respect of Plot No. 1149 measuring 10 Marlas in Sector 86, SAS Nagar, Mohali vide their memo no. PLP/DK-611/344/ Dated 19.07.2010. The complainant has alleged that he deposited all the requisite fee and charges with the respondent towards the cost of the plot as per the Agreement to Sell but the possession of the same has not been offered to him so far on account of non-completion of the project. Accordingly, the complainant has sought either the possession and sale deed of the plot or the refund of the entire amount paid towards the cost of the plot alongwith the interest @ 24% per annum and in addition a compensation of Rs.20,00,000/- towards physical as well as mental pain/harassment etc. A notice Memo No.RERA/PB/C-21/860 Dated 12.02.2018 was issued for reply and personal appearance for 19.02.2018 at 12.00 Noon. On the said date both the complainant and authorized representative of the respondent requested for a date. Accordingly, the case was adjourned for 14.03.2018 at 2.30 PM.


Further on 14.03.2018, complainant and authorized representative of the respondent both appeared and were heard by the authority and case was adjourned for


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04.04.2018 for filing reply but was subsequently changed to 18.4.2018. No one appeared on 18.4.2018 and the case was adjourned for 09.05.2018 as the project was not registered with the authority and was under the process of registration. Both the parties were informed telephonically about the next date. On the next date of hearing i.e. 9.5.2018 the complainant requested vide email to adjourn the case by two weeks as the project was likely to be registered with the Authority within that period, as informed by the authorized representative of the company. The case was once again adjourned for 30.5.2018. On the said date despite an email by the complainant for withdrawal of a complaint, the same was kept pending till the registration of the project, on the verbal assurance of the counsel for the respondent that the project is actively being pursued for registration and all the deficiencies of the application are likely to be removed shortly, to enable registration of the project. In the interest of justice, the case was adjourned for 27.6.2018. On the said date, the complainant telephonically requested for adjourning the matter to which counsel for the respondent consented. The same was adjourned for 19.7.2018. On the said appearing, the respondent requested for adjournment for 2 weeks to get their project registered with the Authority. Once again, the case was adjourned for 02.08.2018.

The fresh position in regard to the registration of the project has been checked from the office which reveals that the application is still not complete and the same was likely to take more time. Enough time has already been given to enable registration of the project but the same has not been done so far and in this process, a lot of time of the authority has been wasted in giving repeated adjournments.


The authority, in case of **Bikramjit Singh and Others, Complaint No. 3 of 2017**, decided on 13.12.2017, held that a complaint 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*


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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 disposed off without prejudice to the merits of the case.

The complainant shall be at liberty to file a fresh complaint, 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.

SAS Nagar (Mohali)
Dated: 02.08.2018


(SANJIV GUPTA)
Member
RERA, Punjab
2/08/18