

**BEFORE THE  
PUNJAB REAL ESTATE REGULATORY AUTHORITY  
SAS NAGAR**

**COMPLAINT NO. RERA/C-26/743-744, Dated 16.10.2017**

and

**RERA/C-26-A/747-748, Dated 16.10.2017**

**Brig. M.P. Singh**

— Complainant

Versus

**M/s. Pearls Infrastructure Projects**

— Respondent

20<sup>th</sup> November, 2017

**ORDER**

The case today came up for hearing. The complainant was present in person and submitted his rejoinder to the reply of the Respondent.

The complaint pertains to year 2013, when the Respondent offered both the plots for possession, on 5<sup>th</sup> April. The complainant refused to accept the same on grounds of lack of basic facilities and other minor issues. There is a record of protracted correspondence between the two sides, resulting in refusal of the complainant to take possession.

The respondent was primarily Project Management Company which had entered in Project Management Agreement on 11.07.2006 with PACL for their upcoming project in the name of Pearls City Mohali in Sector 100-104, where the plots under dispute are located. PACL, the actual owner of land, was during the period, under scrutiny of Securities and Exchange Board of India (SEBI) for violation of collective Investment Scheme (CIS). The matter was also taken up by CBI for investigation and account of PACL were allegedly attached by CBI on 22.02.2014. SEBI on 02.2014/26.08.2014 further directed PACL to refund the amounts received under CIS to the investors.

PACL after losing the case before Securities Appellate Tribunal (SAT) on 12.08.2015, went in appeal before Hon'ble Supreme Court of India. The Hon'ble Court vide its order Civil Appeal No. 13301/2015, dated 02.02.2016 appointed Justice R.M. Lodha (Retd.) to dispose off the properties of PACL Limited and refund the amount to investors. Para 3 of the said order is reproduced as below:-

*"The SEBI shall constitute a Committee for disposing of the land purchased by the Company so that the sale proceeds can be paid to the investors, who have invested their funds in the Company for purchase of the land. Hon'ble Mr. Justice R.M. Lodha, the former Chief Justice of India, would be the Chairman of the said Committee. It would be open to the Hon'ble Chairman of the Committee to appoint such experts or other persons, as he might think it necessary, in consultation with the SEBI, so as to enable the Committee to sell the land and pay to the investors in a manner that might be decided by the said Committee.*

As a consequence of the said order, SEBI attached all the Bank Accounts of PACL alongwith 640 group/associate entities of PACL, including the Respondent, namely PIPL on 07.09.2016. The appeal of PIPL against the orders of SEBI is pending before Securities Appellate Tribunal, Mumbai (SAT).

It is further the claim of the respondent that GMADA has already issued Completion Certificate in respect of Sector 104 where the plots under dispute are located.

The complainant is praying for refund of money paid by him towards the cost of Plot Nos. A-49 & A-50, Sector 104, Mohali. The respondent has not challenged the payments made by the complainant and has neither refused to consider the request of the complainant for refund but has expressed inability to consider the request at this stage, as their bank accounts are frozen as the entire matter is with Hon'ble Justice Lodha Committee. They have already made a reference to the Committee highlighting the problem of buyers in various projects developed by them all across the country.

In view of the facts discussed above the complaint is disposed off, without prejudice to the merits of the case. A copy of this order be supplied free of cost, to the Complainant and the Respondent.

SAS Nagar,  
Date: 20.11.2017

  
(SANJIV GUPTA)  
(Member)  
RERA, Punjab.

20/11/17