

08.05.2018

**Varun Mahajan Vs Emaar MGF Land Ltd.**

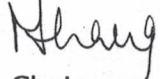
Present : 1. Shri Brij Mohan Mahajan, representative for complainant  
2. Shri Sanjeev Sharma, Advocate for respondent

Arguments on the ground of maintainability were heard today. Counsel for respondent drew my attention to the layout plan annexed with their reply and showed that as per this document, completion certificate had already been obtained for the area in which the complainant's plot (No.88-PP, Sector 108) was located. Since the completion certificate had already been obtained there was no need to register this part of the project with the Authority; and hence the complaints in relation to this project could not be entertained, he urged.

On the other hand Shri Mahajan contended that as per the documents submitted by the respondent only a partial completion certificate had been obtained and not the completion certificate. The Real Estate (Regulation and Development) Act, 2016 did not recognise a partial completion certificate and as such the documents relied upon by the respondent could not be used to defeat his claim. It was however pointed out to Shri Mahajan that under Rule 2 (h) of the Punjab State Real Estate (Regulation and Development) Rules, 2017, a part of project for which completion certificate had been obtained would not come within the definition of ongoing project and hence did not need to be registered.

It is therefore clear that this complaint has been filed in relation to a project that has not been registered with this Authority. Therefore in compliance with a decision of the Authority in "*Bikramjit Singh Vs. H.P.Singh*" (Complaint No.3 of 2017), this complaint is held to be not maintainable. It is accordingly rejected as such.

Announced

  
Chairperson  
Real Estate Regulatory Authority  
Punjab