BEFORE THE CHAIRPERSON, REAL ESTATE REGULATORY
AUTHORITY, PUNJAB

Complaint No.53 of 2018
Date of Decision 17.04.2018

1. Karan Sikka s/o Shri Madan Sikka
2. Ashok Kapoor s/o Shri Parkash Chand Kapoor
   5/15, Roop Nagar, 1st Floor, Delhi – 110017

   ....Complainants

Versus

1. M/s Emaar MGF Land Limited (Mohali Hills), Sector 105, Landran-
   Banur Road, Opp. Reliance Petrol Pump, Mohali 160022 through its
   Managing Director/ Director/ Authorised Representative.
2. M/s Emaar MGF Land Private Limited, 306/308 Square 1, C-2, Dist
   Centre, Saket, New Delhi 110017 through its Managing Director/
   Director/ Authorised Representative.

   .... Respondent

Present : Shri Sandeep Bhardwaj, Advocate for the complainant.

ORDER

This is a complaint under Section 31 of the Real Estate (Regulation
and Development) Act, 2016 in Form M.

2. Briefly, the allegation against the respondent is that the
complainants had booked one unit in the project promoted by the
respondent and were allotted Unit No.56 of First Floor in the commercial
project namely "Central Plaza" situated at Mohali Hills in Sector 105, SAS
Nagar, District Mohali. Buyer's Agreement was executed between the
parties on 31.03.2008 and the possession of the premises was to be
handed over within a period of 36 months from the date of signing of the
agreement i.e. on 30.03.2011. However the possession was not handed
over to the complainants in terms of agreement dated 31.03.2008. As
such the respondents had violated the terms and conditions of the
agreement executed between the parties. The relief claimed is the refund
of the amount deposited, interest and also compensation etc..

3. When the case was taken up for consideration, Shri Sandeep
Bhardwaj, counsel for the complainants conceded that the project in which
the commercial unit was located is not registered with this Authority.

4. The decision of the full Authority in the case of “Bikramjit Singh Vs.
H.P. Singh” (Complaint No.3 of 2017) is to the effect that the Authority has
no jurisdiction to hear complaints in relation to projects which have not
been registered with this Authority. The current project is admittedly not
registered with this Authority. The complaint is accordingly rejected as not
maintainable.

5. A copy of this order may be forwarded the Secretary, Real Estate
Regulatory Authority, Punjab to examine the question of Initiation of
proceedings under Section 59 of the Act.

Announced.

Chairperson
Real Estate Regulatory Authority
Punjab