

BEFORE HON'BLE APPELLATE TRIBUNAL - PUNJAB

FOREST COMPLEX SAS NAGAR

APPEAL NO. 242 OF 2020

IN THE MATTER OF

SMT SHAKUNTALA JOSHI, DECEASED THROUGH HER LR SUNIL KUMAR
JOSHI, AND SAHIL JOSHI **PETITIONERS**

VS

M/S HANUMANT BUILDERS & LAND DEVELOPERS THROUGH
DIRECTOR SHRI SANJAY GARG **OPS/RESPONDENTS**

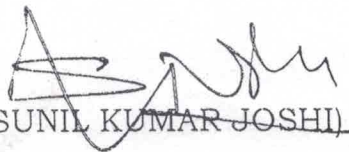
MEMO OF PARTIES

1. SUNIL KUMAR JOSHI, LR AND S/O LATE SMT SHAKUNTALA JOSHI
W/O LATE SH. SHIV NATH JOSHI AND SAHIL JOSHI S/O SH. SUNIL
KUMAR JOSHI, THROUGH HIS ATTORNEY IN FAVOUR OF SUNIL
KUMAR JOSHI, 9416900129, skjoshi56@yahoo.in
RESIDENT OF FLAT NO.404, GH-43, SECTOR 20, PANCHKULA-
134116 **.....APPELLANTS**

VS.

2. M/S HANUMANT BUILDER AND LAND DEVELOPERS THROUGH ITS
DIRECTOR SH. SANJAY GARG, BOLLYWOOD PLAZA, OPP RKM CITY,
SECTOR 113 LANDRAN CHOWK, SAS NAGAR MOHALI-
PUNJAB, R/O 1626 SECTOR-7 CHANDIGRH 160019 MOBILE
9501583000, hanumantbuilders@yahoo.com **.....RESPONDENTS**




(SUNIL KUMAR JOSHI)

LR/SPA OF PETITIONERS

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AT CHANDIGARH

APPEAL NO. 242 OF 2020 (O&M)

SMT. SHAKUNTLA JOSHI

VERSUS

M/S HANUMANT BUILDERS

Present: - Mr. Sunil Kumar Joshi in person for Smt. Shakuntla Joshi.

This is an appeal directed against the order dated 09.07.2020 passed by the Member, Real Estate Regulatory Authority, Punjab.

The appellant who appears in person, makes a grievance of the order and inter alia submits that the order is non-sustainable as it has been passed by the learned Single Member of the Authority and in view of the observations made by the Hon'ble High Court in "*CWP No. 8548 of 2020 and other connected matters Janta Land Promoters Private Limited Versus Union of India and others*", such an order has to be treated as non est.

Besides the above, he also makes a grievance of the fact that the residential unit in his possession, which he has inherited from his mother on the strength of a will, duly upheld in probate proceedings, he would be entitled to have a conveyance deed in his favour regarding the property. He contends that this grievance has been brushed aside and answered cursorily by the Authority.



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After hearing the appellant, we are of the opinion that the impugned order having been passed by the learned Single Member cannot be sustained in view of the observations made by the Hon'ble High Court in "CWP No. 8548 of 2020 and other connected matters Janta Land Promoters Private Limited Versus Union of India and others". Consequently we deem it appropriate to set aside the order and remit the matter back to the Authority for consideration afresh.

Needless to say that the appellant would be at liberty to raise all his grievances before the Authority and the same would be decided in accordance with law without being prejudiced by what had been observed by the Authority in the impugned order earlier.

Sd/-
JUSTICE MAHESH GROVER (RETD.)
CHAIRMAN

Sd/-
S.K. GARG, D & S. JUDGE (RETD.)
MEMBER (JUDICIAL)

Sd/-
ER. ASHOK KUMAR GARG, C.E. (RETD.)
MEMBER (ADMINISTRATIVE/ TECHNICAL)

April 07, 2021
AN



Certified To Be True Copy
Dhanendra Kumar
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh
3-5-2021