

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB
SCO No. 95-98, Bank Square, P.F.C Building, Sector-17-B, Chandigarh

Subject: -

APPLICATION NO. 59 2022

APPEAL NO. 42 OF 2022

**NAVJIT SINGH SANDHU SON OF SH. GURBJAJAN SINGH,
319, BEHIND NRML PUMP, GT ROAD MALOUT, DISTRICT SRI
MUKSTAR SAHIB, PIN CODE 152107 (NOW RESIDING AT,
HOUSE NO.B1, 301, WORLD ONE SOCIETY, SECTOR-115,
KHARAR-LANDRAN ROAD, MOHALI.**

Versus

**M/S ANSAL PROPERTIES & INFRASTRUCTURE LIMITED, 115,
ANSAL BHAWAN, 16 KG MARG, CENTRAL DELHI, DELHI, PIN
CODE 110001.**

Memo No. R.E.A.T./2022/ 127

To,

**REAL ESTATE REGULATORY AUTHORITY, PUNJAB 1ST
FLOOR, BLOCK B, PLOT NO.3, MADHYA MARG,
SECTOR-18, CHANDIGARH-160018.**

Whereas appeals titled and numbered as above was filed before the Real Estate Appellate Tribunal, Punjab. As required by Section 44 (4) of the Real Estate (Regulation and Development) Act, 2016, a certified copy of the order passed in aforesaid appeals is being forwarded to you and the same may be uploaded on website.

Given under my hand and the seal of the Hon'ble Tribunal this 21st
day of March, 2022.



Shamande Kaur
REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

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IN THE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

Appeal No. 42 of 2022

MEMO OF PARTIES

Navjit Singh Sandhu son of Sh. Gurbhajan Singh, 319, behind NRML Pump, GT Road Malout, District Sri Mukstar Sahib, Pin Code 152107 (Now residing at, House No. B1, 301, World One Society, Sector-115, Kharar-Landran Road, Mohali).

...Appellant

Versus

Ansal Properties & Infrastructure Limited, 115, Ansal Bhawan, 16 KG Marg, Central Delhi, Delhi, Pin Code 110001

...Respondent



Place Chandigarh.
Dated 28.02.2022

(MUNISH GUPTA)
P-515/2005
ADVOCATE
COUNSEL FOR APPELLANT

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AT CHANDIGARH

APPLICATION NO. 59 2022

APPEAL NO. 42 OF 2022

NAVJIT SINGH SANDHU SON OF SH. GURBJAJAN SINGH,
319, BEHIND NRML PUMP, GT ROAD MALOUT, DISTRICT SRI
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Versus

M/S ANSAL PROPERTIES & INFRASTRUCTURE LIMITED, 115,
ANSAL BHAWAN, 16 KG MARG, CENTRAL DELHI, DELHI, PIN
CODE 110001.

Present: - Mr. Munish Gupta Advocate for the Appellant

ORDER:

1. This appeal is directed against the order dated 12.11.2021 passed by the Real Estate Regulatory Authority, Punjab (hereinafter known as the Authority).
2. The complaint preferred by the appellant was with a grievance that possession of the plots with all the amenities be given to him and to pay interest for period of delayed possession.
3. The respondent upon appearance denied the averments made in the complaint and stated that the basic amenities along with infrastructure work stood completed, as per the layout plan and offer of possession was made to the appellant vide order dated 15.08.2013. Two civil suits were filed by the appellant out of which one was disposed of on the basis of mutual settlement



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with payment of compensation as a consequence and the other is still pending before the Civil Court on the same cause of action and between the same parties as the one agitated in the present complaint before the Authority.

4. It was further pleaded by the respondent that the project is a mega project exempted from the provisions of PAPR Act and no completion certificate was required in view of this.
5. The Authority declined interference and while accepting the plea of the respondent of the project being a mega project with no applicability of the PAPR Act, upheld the plea of the respondent regarding offer of possession being made in the Year 2013. It also noticed that completion certificate was not required considering the notification dated 02.09.2014 in this regard, relating to the exemption to the mega project. It also concluded that the offer of possession being valid, was within the time prescribed for possession in the buyer agreement dated 22.02.2012 and hence there was no cause of grievance to the appellant.



Learned counsel for the appellant has raised similar arguments as the ones raised before the Authority but has been unable to show any illegality in the order.

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7. Concededly, there was a buyer agreement dated 22.02.2012, warranting completion of the project within 36 months with an extended period of 06 months from the date of execution of the agreement. In view of this possession of the plot was to be taken after 42 months and the prescribed date would thus be 22.08.2015 but the offer of possession was made to the appellant on 15.08.2013/27.08.2013 much prior to the promised date.
8. The fact that the appellant paid regular maintenance charges indicates the acceptance of possession. Therefore, it does not lie in the mouth of the appellant to refute the validity of the possession on the ground that the amenities were not available. No material has been shown in this regard. That apart there is nothing on record to show whether the proceedings initiated by the appellant before the Court of Civil Judge (Junior Division), Mohali in Civil Suit No.1064 of 2020 have been withdrawn or not. The respondent had averred that the civil suit pertained to the same cause of action and between the same parties as the one raised in the complaint before the Authority. If that be so, even though the jurisdiction of the Authority would not be barred ipso facto but two parallel remedies for the same



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grievance cannot be permitted and it was for the appellant to choose one Forum for redressal of his grievance.

9. The appellant has also filed a miscellaneous application to make a reference to the layout plans, which we decline to look into, for the simple reason that it was never brought before the Authority.
10. No other point was urged. We thus do not find any merit in the appeal, which is dismissed accordingly.
11. Files be consigned to record room.

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)

March 14, 2022

AN



Certified To Be True Copy
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh

21/03/2022