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**IN THE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB**

**Appeal No. 83 of 2022**

**MEMO OF PARTIES**

Omaxe New Chandigarh Developers Pvt. Ltd (previously known as M/s Omaxe Chandigarh Extension Developers Pvt. Ltd.), Corporate Office 10, LSC, Kalkaji, New Delhi-110019 through its Authorized Representative/ Signatory Sh. Deepanjit Singh.


...Appellant

Versus

Satwant Boparai wife of Shri Swaran Singh Boparai, House No. 67, Sector 9-A, Chandigarh.

...Respondent-Complainant

Place: Chandigarh  
Dated: 10.05.2022

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



REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AT CHANDIGARH

APPLICATION NO. 115  
APPEAL NO. 83 OF 2022

OMAXE NEW CHANDIGARH DEVELOPERS PVT. LTD.

Versus

SATWANT BOPARAI

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**Present: -** Mr. Munish Gupta, Advocate for the appellant.  
Ms. Navdeep Kaur, Advocate for RERA, Punjab.

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While impugning the order dated 07.04.2021, an argument has been raised that the provisions of the RERA Act would not apply, considering that the partial completion certificate had been obtained in the 2017 prior to the enforcement of certain provisions of the Act. The facts of the case indicate that possession was to be handed over to complainant/allottee by 25.06.2015 but the offer of possession materialized only on 30.07.2019 and the possession in the year 2020.

If that be so, then it is difficult to understand how a completion certificate/partial completion certificate was obtained by the appellant when the project remained incomplete at least till the year 2019, when the offer of possession was made.

We have in **Appeal No.60 of 2022** observed that when the facts offered such a contingency as the one noticed by us above, then it is the duty of the Authority to look into the grievance of the of the allottee and not shut out such



proceedings altogether on the argument raised by a developer that his project is not amenable to the provisions of the Act being unregistered or on account of a partial completion certificate in his possession. Although the Authority in the present case has granted relief in terms of the Act but what raises our concern is that the Authority ought to have also explored the aspect of non-completion/non-registration of the project and proceeded against the developer in case violation of the Act stood established.

We therefore issue notice of the appeal to the Authority and direct that a report be submitted to us by looking into the above said facts and the project in question.

This order has been passed in the presence of the learned counsel representing the Authority who has assured the Court of an adequate response.

Copy of the paper book has been supplied to the counsel representing Authority in Court itself.

Adjourned to 21.07.2022 for further proceedings.

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)



May 30, 2022  
DS

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Real Estate Appellate Tribunal Punjab  
Chandigarh  
18/07/2022