

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

Subject: -

**APPEAL NO.51 OF 2022**

Vinay Suri son of Sh. H.K. Suri, resident of H.No.3318, Sector-46-C,  
Chandigarh.

...Appellant

Versus

Greater Mohali Area Development Authority, GMADA, PUDA  
Bhawan, Sector-62, SAS Nagar (Mohali), Punjab.

...Respondent

Memo No. R.E.A.T./2022/ **398**

To,

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

Whereas appeals titled and numbered as above were 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 23<sup>rd</sup>  
day of August, 2022.

*(Handwritten Signature)*

REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB



IN THE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

Appeal No. 51 of 2022

MEMO OF PARTIS

BETWEEN

VINAY SURI SON OF SH. H.K.SURI, RESIDENT OF  
H.NO.3318, SECTOR 46-C, CHANDIGARH.

. Appellant

Versus

Appeal No. 51 of 2022

GREATER MOHALI AREA DEVELOPMENT AUTHORITY,  
GMADA, PUDA BHAWAN, SECTOR 62, SAS NAGAR  
(MOHALI) PUNJAB.

Respondent

BETWEEN

VINAY SURI SON OF SH. H.K.SURI, RESIDENT OF  
H.NO.3318, SECTOR 46-C, CHANDIGARH.

. Appellant

Versus

Place : CHANDIGARH

Dated : 28.03.2022

*Arshdeep*  
**(ARSHDEEP BHULLAR)**

P-1437/2012



Place : CHANDIGARH

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

**AT CHANDIGARH**

Present: Mr. Arshdeep Bhullar, Advocate for the appellant.

Mr. Balwinder Singh, Advocate for the  
respondent.

**APPEAL NO.51 OF 2022**

Vinay Suri son of Sh. H.K. Suri, resident of H.No.3318, Sector-46-C,  
Chandigarh.

...Appellant

Versus

Greater Mohali Area Development Authority, GMADA, PUDA  
Bhawan, Sector-62, SAS Nagar (Mohali), Punjab.

...Respondent

**JUDGMENT: (JUSTICE MAHESH GROVER (RETD.), CHAIRMAN)**

Present: Mr. Arshdeep Bhullar, Advocate for the appellant.

1. The Mr. Balwinder Singh, Advocate for the respondent/promoter.

passed by the Member, Real Estate Regulatory Authority,

**CORAM: JUSTICE MAHESH GROVER (RETD.), CHAIRMAN**

2. The **SH. S.K. GARG DISTT. & SESSIONS JUDGE (RETD.), MEMBER (JUDICIAL)**

**ER. ASHOK KUMAR GARG, CHIEF ENGINEER (RETD.), MEMBER (ADMN./ TECH.)**

**JUDGMENT: (JUSTICE MAHESH GROVER (RETD.), CHAIRMAN)**

1. The appellant is aggrieved of the order dated 18.02.2022 passed by the Member, Real Estate Regulatory Authority, Punjab (hereinafter referred to as the Authority).

2. The respondent floated a scheme for residential plots in Eco-City 2, New Chandigarh on 07.12.2020. The appellant applied for a 2000 sq. yard plot and deposited Rs:50,00,000/- as earnest money. The draw of lots was



waiting list.

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2. According to the brochure, the waiting list was to be valid for a period of one year and that in case a prospective allottee desired, he could opt for retaining his name in the waiting list, in which eventuality the amount of Rs.50,00,000/- deposited by way of earnest money would be retained by the respondent for that period.
3. That the draw of lots was held on 22.02.2021 and the name of the appellant was placed at Sr. No.2 in the waiting list.
4. According to the brochure, the waiting list was to be valid for a period of one year and that in case a prospective allottee desired, he could opt for retaining his name in the waiting list, in which eventuality the amount of Rs.50,00,000/- deposited by way of earnest money would be retained by the respondent for that period.
5. In the original form submitted by the appellant, he had indicated a negative response against this column i.e. retention of his name in the waiting list for a period of one year, after the draw of lots subject to the retention of money by the respondent during this period.
6. The date of submission of documents although given out as 29.01.2021 under the heading 'important events and dates' in the brochure but was extended upto 10<sup>th</sup> March, 2021 to enable the prospective allottees to make up the deficiencies or carry out corrections in the original form and documents submitted. The appellant vide a communication dated 09.03.2021 (on record as Annexure A-4) stated that he is willing to continue with the waiting list.



scheduled for 23.02.2021 and all documents, if not

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retention of his name in the waiting list till the plot is allotted, after the final results. This application was submitted on 09.03.2021.

7. The respondents submitted their response to the complaint and pleaded that the application form submitted by the appellant was 10433 and not 10640 and it was submitted on 29.01.2021. A perusal of this form shows that the appellant had ticked/stated "NO" against a column for retention of a name on the waiting list for a period of one year and since this was the position no right accrued to him to pursue the complaint. The amount of Rs.50,00,000/- was refunded to him on 02.07.2021 and the representation submitted by the appellant was duly considered but consigned to records. (A relevant portion of the result has been appended as **Annexure A-3.**)
8. The matter was agitated before the Authority resulting in the impugned order where while dismissing the complaint, the Authority held that since the appellant had clearly mentioned "No" against the column, with regard to retention of application and earnest money for 12 months and that an application form No.10433 was submitted indicating so, yet, the applicant tried to rely upon a different form 10640, which was actually never submitted. The complaint was dismissed and it was



retention of his name in the waiting list till the plot is

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(ii) Any admission can be withdrawn before it is further held that, the appellant failed to establish any technical error in filling up his form.

9. Before us, the arguments advanced by the learned counsel for the appellant can be summed up as below:

(i) That at no point of time did the appellant try to mislead by projecting a different form number. In all the communication with the respondent only one form number i.e. 10433 has been mentioned.

(ii) Any admission can be withdrawn before it is acted upon. The aforesaid ambiguity in form number is hardly of any consequence considering the limited controversy, where the appellant admits that he had indicated "No" against the column meant for retention of his name on the waiting list for a period of 12 months along with the earnest money so deposited. This is also the plea used by the respondent in ousting his claim. Therefore, the variation in the form number is of no consequence as the appellant cannot possibly derive any advantage from it.

(iii) Further, the time for submission of the additional documents or correction in the form etc. was concededly extended upto 10.03.2021 and the appellant did soon 09.03.2021 by indicating that he is willing for retention of his name in the waiting list for 12 months.

It was argued that it is a settled law that an applicant can withdraw his consent before the same is accepted or acted upon. The amount of Rs.50,00,000/-



Further held that the appellant failed to establish any

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11. We have heard learned counsel for the parties and are of the opinion that the appeal deserves to succeed. Indeed the appellant had submitted his form with an indication that he wishes his name not to be retained in the waiting list for a period of one year but eventually changed his mind and consented to retention of his name on the waiting list for a period of 12 months, within the permissible time frame granted by the respondent, on 13.02.2021. It is pertinent to mention here that the option was given to the prospective allottees, to submit their documents and make up their deficiencies in their forms, if any by 10.03.2021. This fact has been categorically asserted by the appellant and not denied by the respondents. A bare reading of the complaint shows that the assertion of the complainant is in following terms "result of draw was announced and uploaded on 13.02.2021 and the documents were to be deposited by 10.03.2021. In the draw complainant's name was placed was unilaterally returned by the respondent without
10. The prayer has been opposed by the learned counsel for the respondent primarily on the ground that once the appellant had indicated "No" against column meant for retention of the name in the waiting list, the same could not be withdrawn.
11. We have heard learned counsel for the parties and are of the opinion that the appeal deserves to succeed. Indeed the appellant had submitted his form with an indication that he wishes his name not to be retained in the waiting list for a period of one year but eventually changed his mind and consented to retention of his name on the waiting list for a period of 12 months, within the permissible time frame granted by the respondent.



12. We have also perused the reply of the respondent. It is absolutely silent with regard to this assertion of the complainant as noticed above. All that has been said in the reply is the appellant indicated "no" in the column meant to indicate for retention of the name in the waiting list for a period of one year and that having fully understood the terms and conditions this was done, leaving no other room for any other interpretation. (The reply is on record as Annexure A-8.)

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at serial No.2 in the waiting list. In compliance he submitted the requisite documents on 09.03.2021. However, the complainant was asked to given an additional request for retaining his name in the waiting list, which the complainant duly did on the same day.

12. We have also perused the reply of the respondent. It is absolutely silent with regard to this assertion of the complainant as noticed above. All that has been said in the reply is the appellant indicated "no" in the column meant to indicate for retention of the name in the waiting list for a period of one year and that having fully understood the terms and conditions this was done, leaving no other room for any other interpretation. (The reply is on record as Annexure A-8.)

13. Evidently, the respondent has been evasive in his response to the assertion of the appellant that time for submitting the requisite documents was upto 10.03.2021 and he indicated through a communication (Annexure A-4, his willingness for retention of his name in the waiting list for a period of one year. If that be so then the plea of the appellant in this regard has to be accepted particularly as we notice that there is no denial to such an assertion. A person making a request in any regard can always change his mind and withdraw the same before the same is accepted or acted upon. There is at serial No.2 in the waiting list. In compliance he





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not a whisper in the reply that by 09.03.2021 the rights of the appellant or any of the allottees whose names have been disclosed in the draw of lots were foreclosed for the lack of information supplied by them in their original application form. Likewise the brochure does not mention that a choice once exercised is irrevocable. In any case it is a case of keeping a name alive on the wait list and does not confer a right to a plot automatically. It is the appellant's money that is at stake with no loss to the respondent. To summarize we can safely enumerate the reasons in favour of the appellant as below:-

- (i) The time to submit additional documents or rectify the errors in the forms was 09.03.2021, a fact asserted by appellant and not denied by the respondent, even before us.
- (ii) The brochure does not mention that an option with regard to the retention of the amount to keep the wait list alive for a period of one year was irrevocable and could not be altered under any circumstances.
- (iii) The entire list of successful allottees and the wait list were open to all when the appellant chose to revise his option.



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- (iv) It was merely a question of keeping the wait list alive with no additional or assured benefit of allotment flowing from reversal of such an option.
- (v) The amount of Rs.50,00,000/- was to be retained by the respondent and the appellant did not stand to gain monetarily from such retention.
- (vi) There is nothing on record to show that the rights of all the successful allottees or those in the wait list had crystallized. So much so that during the course of appeal also the respondent did not say a word about the third party rights if any, having come into existence.
- (vii) It is a settled law that an option once exercised can be withdrawn before the same is acted upon. In the instant case the option indicated by the appellant in the Form would have extinguished his right to consideration altogether. Whereas, a change in option to the affirmative merely meant a consideration and nothing more particularly when the option applied only to the wait list and



(iv) It was merely a question of keeping the

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the appellant's name, did, indeed appear in the wait list.

(viii) If the date of rectification of any error in form was afforded to the successful allottees then they are the ones who were placed on a better footing and stood to gain straightaway with an assured allotment with the making up of deficiency or correction of any information in the form but in the case of the appellant it only meant retention of his name on a wait list for a period of one year with his money also with the respondent. It was thus merely a case of keeping a hope alive and thus if the respondent can permit alteration of information to a successful candidate to whom a tangible benefit would be flowing then it is beyond reason as to why such a change of option should not be permitted in the case of a person who merely lingers on the wait list for a period of one year with his money also with the respondent. Had the case been that no change at all was permissible and information and



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14. In view of the above, we are of the opinion that the appeal deserves to succeed and the impugned order is accordingly ordered to be set aside. As a consequence, the respondents are directed to treat the name of the appellant in the waiting list for a period of one year and grant him consideration. We emphasize that de hors the controversy regarding the information in the form had the appellant or any other person indicated 'yes' against the relevant column, he would still have earned only a consideration because allotment is always dependent upon fulfillment of certain obligations.

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14. In view of the above, we are of the opinion that the appeal deserves to succeed and the impugned order is accordingly ordered to be set aside. As a consequence, the respondents are directed to treat the name of the appellant in the waiting list for a period of one year and grant him consideration. We emphasize that de hors the controversy regarding the information in the form had the appellant or any other person indicated 'yes' against the relevant column, he would still have earned only a consideration because allotment is always dependent upon fulfillment of certain obligations.

15. In case the appellant succeeds to the allotment, assuming that persons ahead of him have either opted out or a plot is available in such a category for whatever reason the same shall be offered to him, subject however, to the following condition: -

- (i) The appellant deposits a sum of Rs.50,00,000/- with the respondents along with interest that might have accrued from the date of refund till the date of the redeposit



party rights have been created then needless  
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- now. The rate of interest shall at the SBI  
16. The appeal highest marginal cost of lending rate plus 2%  
and the appellant is held entitled to the statutory  
(ii) All other incidental expenses shall also be paid  
interest. by the appellant in case of a successful  
17. File be allotted. to record room and the order be  
(iii) However, in case no plot is available and third  
communicated to the parties. party rights have been created then needless  
to say none of the consequences would flow to  
either of the parties and issue would be given a  
quietus.

JUSTICE MAHESH GROVER (RETD.)

16. The appeal is therefore, allowed in the aforesaid terms  
and the appellant is held entitled to the statutory  
interest. I differ my view is amended on subsequent page  
ER. ASHOK KUMAR GARG, C.E. (RETD.),  
17. File be consigned to record room and the order be  
July 25, 2022  
AN communicated to the parties.

*Sdr*  
JUSTICE MAHESH GROVER (RETD.)  
CHAIRMAN

*Sdr*  
S.K. GARG, D & S JUDGE (RETD.)  
MEMBER (JUDICIAL)

I differ my view is amended on subsequent page  
ER. ASHOK KUMAR GARG, C.E. (RETD.),  
MEMBER (ADMINISTRATIVE/TECHNICAL)



Certified To Be True Copy

*Registrar*  
Registrar  
Real Estate Appellate Tribunal Punjab  
Chandigarh

23/08/2022

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now. The rate of interest shall at the SBI

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AT

CHANDIGARH

Appeal No. 51 of 2022

Vinay Suri son of Sh. H.K. Suri, resident of H.No. 3318, Sector 46-C,  
Chandigarh.

Appellant

Versus

Greater Mohali Area Development Authority, GMADA, PUDA  
Bhawan, Sector 62, SAS Nagar (Mohali) Punjab.

Respondent

**Present:** Mr. Arshdeep Bhullar, Advocate for the appellant.

Mr. Balwinder Singh, Advocate for the respondent.

**QUORUM: JUSTICE MAHESH GROVER (RETD.), CHAIRMAN**  
**SH. S.K. GARG DISTT. & SESSIONS JUDGE (RETD.),**  
**MEMBER (JUDICIAL)**

**ER. ASHOK KUMAR GARG, CHIEF ENGINEER**  
**(RETD.), MEMBER (ADMN./ TECH.)**

**JUDGMENT: (ER. ASHOK KUMAR GARG, CHIEF ENGINEER**  
**(RETD.), MEMBER (ADMN./TECH.) - HIS VIEW)**

**1.** By this order, I will dispose off above mentioned appeal bearing  
Appeal No. 51 of 2022 (**Vinay Suri versus Greater Mohali Area**  
**Development Authority**) against order dated 18.02.2022 passed  
by Sh. Sanjiv Gupta, a Member of the Real Estate Regulatory  
Authority Punjab (*hereinafter referred to as the Authority*) in the  
complaint bearing GC No. 02482021 filed on 08.06.2021.

**2.** The complaint was filed by the appellant-complainant in Form 'M'  
before the Authority on 08.06.2021 under section 31 of the Real



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to delete the name of the complainant from the from the withdrawal list as it would not cause any loss to the respondent; Estate (Regulation and Development) Act, 2016 (*hereinafter referred to as the Act*) and Rule 36(1) of the Punjab State Real Estate (Regulation and Development) Rules, 2017 (*hereinafter referred to as the Rules*) praying (i) to retain the name of the complainant in the waiting list and to consider for the allotment of the plot as it would not prejudice the rights of the other applicants; (ii) not to refund the earnest money to the complainant till the final outcome of the allotment as the same would be totally illegal; (iii) to delete the name of the complainant from the from the withdrawal list as it would not cause any loss to the respondent; (iv) to allow the complainant to rectify any defects if at all, although the complainant has complied with all the provisions as envisaged in the Brochure. However, he specifically mentioned

3. The appellant's-complainant's complaint has been dismissed by the Authority vide its aforesaid order dated 18.02.2022, the concluding and operative parts of which are as under:-

**“G. FINDINDG**

8. Based on written & oral submissions, following are the findings:-
- I. The complainant submitted application form No. 10433 on 29.01.2021, alongwith earnest money of Rs.50,00,000/-, financed by ICICI Bank, for a plot of 2000 sq. yards. However, he specifically mentioned “NO” against the column, in regards to retention of application and earnest money for 12 months, after the draw, in case his name figures in the waiting list. This fact was concealed by the complainant, by submitting a copy of a different form No.10640 which was never submitted.
  - II. There is no evidence to show that the word “NO” was inserted on account of any technical error. It was a



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conscious decision as the word was written in his own hands.

III. The entire earnest money of Rs.50,00,000/- has already been refunded to the bank on 02.07.2021. This fact was also concealed by the complainant.

**H. DIRECTIONS OF THE AUTHORITY:-**

9. In view of above, the complaint is dismissed being devoid of the merits and also for concealment of facts."

4. Aggrieved by the above said order dated 18.02.2022 of the Authority, the appellant filed his appeal dated 28.03.2022, bearing Appeal No. 51 of 2022, before this Tribunal and has prayed therein to set aside the aforesaid order dated 18.02.2022 and to direct the respondent (i) to retain the name of the appellant in the waiting list and also reserve a 2,000 square yards plot for the present appellant till the final adjudication of the present appeal; (ii) to accept an amount of Rs. 50,00,000/-, which was earlier deposited and refunded:

5. The appellant has inter alia contended in the grounds of the appeal as under:-

- (i) that as per the withdrawal list issued by the GMADA, which was although not intimated or addressed to the present appellant however, was published on the respondent's website (Annexure A-10), the appellant's named figured at Sr. No. 51 and the reason for withdrawing the name of the appellant has been stated to be 'no tick for waiting', whereas no such option of tick mark was provided in the application form and the appellant had inadvertently in the relevant column of the application form written NO against the intention of retaining the application and earnest money in the waiting list;





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- (ii) that the intention of the appellant were absolutely clear with regard to the fact that he was willing to keep his application and the earnest money of Rs.50,00,000/- in the waiting for a period of 12 months as per brochure with the respondent and in relation to the above said aspect, the appellant on the oral request of the respondent had also submitted request letter dated 09.03.2021 (Annexure A-4) which was duly received by the respondent;
- (iii) that as per the brochure (Annexure A-6), the last date for submitting the relevant documents in relation to the applied plots was 10.03.2021 and the appellant submitted the relevant documents alongwith his request to retain his name in the waiting list. If the respondent has any objection to the option submitted by the appellant in his application from then the respondent would have never accepted the letter dated 09.03.2021 or would have replied in negative to the appellant and would have refunded the money there and then. The Authority did not considered the above argument of the appellant and neither the same was recorded in its order. Also the respondent in its reply a silent about the above said fact;
- that after the appellant got to know that his name has been removed from the withdrawal list illegally, the appellant, vide his letter dated 12.05.2021 (Annexure A-11), requested the respondent to reconsider the case of the appellant with regard to the factum of deletion of his name from the waiting list, however, no action was taken on the said representation neither was the same replied to by the respondent;



- (ii) that the intention of the appellant were absolutely clear with

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- (v) that the appellant himself wanted (Annexure A-11) to be considered in the waiting list as he allowed the respondent to retain the earnest money for a period of one year as per the brochure;
- (vi) that nowhere in the brochure it is mentioned that the appellant has to tick mark his intention for retaining the plot and even otherwise the appellant covers the eligibility criteria as mentioned in the brochure. Also, inadvertent writing of NO in the relevant column of the application form is mere technical defect and if at all it was there, the appellant rectified the same by moving a letter dated 09.03.2021. Even otherwise, as per the terms and conditions of the brochure the waiting list category for valid for a period of 12 months and the respondents could not have struck down the name of the appellant before the said period;
- (vii) that the complaint of the present appellant has been dismissed only on two grounds firstly being that the appellant concealed the original application form submitted to the respondent and submitted a copy of different form and secondly, the appellant did not disclose that the earnest money deposited was refunded to the appellant. As far as the first aspect of annexing a different application form is concerned it is humbly submitted that the appellant in the replication dated 8.11.2021 filed before the Ld. Authority below clearly stated that the application form No.10640 which was submitted alongwith the brochure in the complaint only for reference purposes as the appellant had applied vide application no.10433 and each and every document annexed by the



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appellant with complaint mention of the application form no.10433. The appellant did not conceal the original application form and had that been the case then the appellant would have specifically annexed the said application form as mentioned in the impugned order.

(viii) that the appellant did not conceal any fact or document from the Authority and as far as the fact that the appellant did not disclose the refund of money by the respondent is concerned, it is submitted that when the appellant filed a complaint before the Authority i.e. on 08.06.2021, no amount was credited into the account of the present appellant and also the money so refunded by the respondent was through a letter dated 20.07.2021 which was not even addressed to the present appellant;

(ix) that the appellant after applying for the plot, depositing the earnest money and being in the waiting list is a deemed allottee and by illegally removing the name from the waiting list is against the principle of nature justice as the appellant was not given any opportunity to explain his case by personal hearing and neither was the appellant intimated that his name has been withdrawn which was in any which case because of a technical defect rectified later on. Even otherwise, the letter dated 09.03.2021 was never turned down by the respondent.



**6.** Prime contention of the appellant is that his additional request dated 09.03.2021 (Annexure A-4) for retaining his name in the waiting list was not considered.

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appellant with complaint mention of the application form

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7. As per brochure (Annexure A-6), the respondent GMADA invited applications for allotment of 289 residential plots (out of which six plots are of 2,000 square yards size @ Rs. 25,000/- per square yard falling under 11<sup>th</sup> category "Others" and further two of these six falling under "SC category" code 'B' and remaining four under "General Category" code 'A' for which the appellant has applied) at ECO CITY-2, New Chandigarh, the scheme opened on 07.12.2020 and was to be closed on 14.01.2021 (however, as per respondent's reply dated 17.09.2021, the scheme remained open till 29.01.2021). The "IMPORTANT EVENTS AND DATES" were mentioned in the brochure originally as under:-

<i>Uploading of applicants data on gmada.gov.in for verification by applicants</i>	<i>21.01.2021</i>
<i>Objections/corrections to be intimated by</i>	<i>25.01.2021</i>
<i>Draw of Lots (if required)</i>	<i>03.02.2021</i>
<i>Uploading/declaration of result (or notice of postponement due to unforeseen circumstances) on website gmada.gov.in</i>	<i>04.02.2021</i>
<i>Submission of documents of Preferential/Reserve categories those successful in the draw of lots and those appearing in the waiting list</i>	<i>26.02.2021</i>
<i>Letter of Intent (LoIs) to be dispatched by</i>	<i>31.03.2021</i>
<i>25% of the price of the plot (minus earnest money paid with application) and 2% cancer cess to be deposited</i>	<i>30 days from dispatch of Letter of Intent (LoI)</i>



8. Clauses 5 to 7 under the heading "HOW TO APPLY, DRAW DATES, MODE OF INTIMATION AND WAITING LIST" in the brochure read as under:-

"5. In case number of applications are more than the plots available, then Public draw of all applications will be

7. As per brochure (Annexure A-6) the respondent GMADA invited

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held and result of draw will be uploaded/declared on the website as mentioned in this brochure. No individual intimations will be sent to those successful in the draw.

6. **Submission of Documents:** Those applicants who are successful in the draw of lots will be required to submit documents with the Estate Officer, GMADA, SAS Nagar in person or through registered post by the date mentioned in the brochure. Any postal delay will not be entertained. The only proof of submission shall be the receipt issued by Estate Office, GMADA SAS Nagar which shall be updated on the website [www.gmada.gov.in](http://www.gmada.gov.in). Applications for which supporting documents are not submitted by the applicants in time will be rejected and next applicant in the waiting list will be allotted the plot. No claims, whatsoever, shall be entertained thereafter.

7. **Those opting to be in the waiting list must** also submit their documents by the date mentioned in this brochure. Waiting list in each category in order of priority, equal to 10% of the number of plots in that category or 5 plots which ever is more, valid only for a period of twelve months from the date of draw shall be maintained. The date of operation of the waiting list will not be extended under any circumstances. At the end of 12 months from the date of draw, Letter of Intent (LoI) will be issued in the order of priority, in one go. In case any plot becomes available an account of the applicants surrendering or not furnishing requisite documents, no piecemeal allotments shall be made. No requests to extend the period of operation of the waiting list shall be entertained." **[Emphasis laid]**



9. Application form No. 10640 forms part of the brochure (Annexure A-6), which is partly filled in hand. Out of the particulars filled in it in hand, (i) the name of the applicant, father's name, address for correspondence, DoB, age, PAN and e-mail details are the same as those filled in hand in the Application Form No. 10433 for 2000 square yards size plot applied under category code 'A' (Annexure

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A-1) receipt of which is acknowledged on 29.01.2021 (Annexure A-2); (ii) out of two options of "Yes" and "No" pre-printed in the separate boxes under each of the field "*Whether the applicant is applying under Senior Citizen preferential scheme*" and the field "*Whether the applicant is applying under Women preferential scheme*", the option "No" is ticked in both the Application Forms No. 10640 and 10433; and (iii) the empty box provided in front of the field "*Retain my application and earnest money for 12 months after the draw in case my name figures in waiting list in the draw (Mention Yes/No in the box provided)*" and the empty box provided in front of the field "*Consider my application for smaller size of plot, which is left un-allotted (Only for applicants applying under Sports Category) (Mention Yes/No in the box provided)*" are left blank in Form No. 10640 but "NO" is written in each of two such boxes in Form No. 10433.

**10.** Admittedly, the result of the draw was announced and uploaded on 23.02.2021. An incomplete copy of the same, which bear date "22/02/2021" and which has also been termed by the appellant in his appeal as the "waiting list", has been placed on record as Annexure A-3 of the appeal, in which certain particulars inter alia of nine applicants for "2000 Sq. Yard" appear. In the last column against first six of the said nine persons, "SL1" to "SL6" is appended and against the remaining three "WL1" to "WL3" is appended.

**11.** The appellant has also placed a vernacular as well as english version of an office order of the respondent, which does not bear any number and date (Annexure A-10, termed by the appellant in his appeal as the "withdrawl list"), as per which approval has been



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13. As per the "IMPORTANT EVENTS AND DATES" mentioned in the brochure, the data of the applicants was to be uploaded on the respondent's website for verification by applicants earlier on granted to refund the entire amount deposited to those 56 applicants, who were successful in the waiting list in various categories but had ticked "No" in the column of their applications for not retaining their name in the waiting list for one year.
12. This list includes all the three wait-listed applicants for plot size 2,000 square yards.
13. As per the "IMPORTANT EVENTS AND DATES" mentioned in the brochure, the data of the applicants was to be uploaded on the respondent's website for verification by applicants earlier on 21.01.2021 (7 days after the earlier date of closure of the scheme, which was 14.01.2021), to which objections/corrections were to be intimated earlier by 25.01.2021 and only thereafter draw of lots was to take place earlier on 03.02.2021 and the result (or the notice of postponement) was to be uploaded/declared earlier on 04.02.2021.
14. No notice of postponement of all "IMPORTANT EVENTS AND DATES" or some of those, in terms of the brochure, has been placed on record by the appellant before this Tribunal.
15. However, as per reply dated 17.09.2021 of the respondent, the scheme remained open till 29.01.2021. The application Form No. 10433 of the appellant is dated 29.01.2021 and receipt thereof has been acknowledged on 29.01.2021. As per submissions of the appellant, the draw of lots took place on 22.02.2021 and draw result dated 22.02.2021 was uploaded on the website on 23.02.2021.



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16. There is no provision in the brochure (Annexure A-6) to entertain change of any option exercised by the applicants in their respective application form.
17. As the data of the applicants was to be uploaded on the respondent's website, ostensibly while feeding data from the application Forms (as filled in hand by the appellant) in its computer system, there is always a possibility of eruption of some error. Therefore, such data of the applicants was to be uploaded on the respondent's website for verification by the respective applicants and for intimating the objections/corrections by a specified date, after which draw of lots was to take place. Even such objections/corrections were allowed only prior to draw of lots.
18. The appellant, vide his request dated 09.03.2021 (Annexure A-4), has expressed his desire to continue on the waiting list till the final results are declared and a plot is "plotted" (sic) and has attached therewith his Aadhar card and PAN card for the respondent's consideration.
19. Aforesaid application is not only after the draw of lots but also against the spirit of the option viz "*Retain my application and earnest money for 12 months after the draw in case my name figures in waiting list in the draw (Mention Yes/No in the box provided)*", against which the appellant has categorical written in hand "NO" in his application Form No. 10433. Had such requests been allowed to be entertained, then most of the applicant might have opted for "No" in their application forms in the first instance and would have applied for change of such option after watching





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the result of the draw as to what are their odds of success for the allotment as per their position in the waiting list.

20. Out of Annexures R/1, R/2 and R/3 of the respondent's reply dated 17.09.2019, the appellant's filed only a copy of Annexure R/1 (the appellant's application form No. 10433) as annexure A-1 of his appeal in the first instance. However, pursuant to the proceedings held on 14.07.2022, the appellant has filed an application bearing Application No. 191 of 2022 for placing on record Annexures R/2 and R/3 of the respondent's reply, as Annexures A-12 (the respondent's memo No. GMADA/Accounts/2021/77093 dated 20.07.2021) and A-12 (a copy of the respondent's noting dated 16.06.2021) of the appeal.
21. Perusal of aforesaid noting dated 16.06.2021 (Annexure A-13) reveals that besides the appellant, the applicant of application form No. 9270 for 2000 square yard size plot, who too like the appellant has opted not to retain his/her application and earnest money for 12 months after the draw in case his/her name figures in the waiting list, has also refused to take refund amount.
22. As per Annexures A-3 and A-10 of the appeal, the applicant of form No. 9270 is Sharanjit Kaur, who is on first waiting list (WL1) for plots of size 2000 square yard plots.
23. As per aforesaid noting dated 16.06.2021, there are 56 applicants who have opted in their respective applications not to retain his/her application and earnest money for 12 months after the draw in case his/her name figures in the waiting list, some of which have after the draw requested to retain them in the waiting list.



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present appeal.

23. File be consigned to record room and a copy of this order be filed in the file of the appeal and also be communicated to the parties as well as to the Authority.

24. Some of the contentions taken by the appellant in his appeal have already been adjudicated upon by the Authority and I generally don't see any merit in those contentions to warrant any interference in findings of the Authority.

25. In view of above, I deem it appropriate to order dismissal of the present appeal.

26. File be consigned to record room and a copy of this order be filed in the file of the appeal and also be communicated to the parties as well as to the Authority.

*Sdr*  
ER. ASHOK KUMAR GARG, C.E. (RETD.),  
MEMBER (ADMINISTRATIVE/TECHNICAL)

July 25, 2022



Certified To Be True Copy

*Manish Kaur*  
Registrar  
Real Estate Appellate Tribunal Punjab  
Chandigarh

23/08/2022