

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

Subject: -

APPEAL NO. 74 OF 2022

Bharat Bhushan, S/o Sh. Harish Kumar, R/o House No 63, 22 Acre
Area, Barnala (Punjab).

...Appellant

Versus

1. Real Estate Regulatory Authority, 1st Floor, Block-B, Plot No. 03,
Madhya Marg, Sector-18, Chandigarh 160018.
2. Punjab Urban Development Authority, Sector-62, Sahibzada
Ajit Singh Nagar (Mohali) Punjab.
3. Estate Officer, Urban Estate, Patiala, Pincode-147002.

...Respondents

APPEAL NO. 75 OF 2022

Santosh Rani, W/o Sh. Bharat Bhushan, R/o House No 63, 22 Acre
Area, Barnala (Punjab).

...Appellant

Versus

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APPEAL NO. 76 OF 2022

Hari Chand S/o Sh. Panna Lal, R/o House No. 290, Astha Enclave,
Barnala (Punjab).

...Appellant

Versus



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APPEAL NO. 77 OF 2022

Vinod Kumar S/o Sh. Charanjeet Lal, R/o House No. BX1119, ST No. 3, KC Road, Barnala (Punjab).

...Appellant

Versus

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APPEAL NO. 78 OF 2022

Ashok Kumar S/o Sh. Randhir Singh, R/o Flat No. 91, Pocket 2, Sector 19, Green View Apartment, Dwarka, South West District, New Delhi-110075

...Appellant

Versus

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APPEAL NO. 79 OF 2022

Achal Kumar, S/o Sh. Prakash Chand, R/o SCO 10 C, Old Tehsil Complex, Barnala, Punjab.

...Appellant

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2. Punjab Urban Development Authority, Sector-62, Sahibzada Ajit Singh Nagar (Mohali) Punjab.
3. Estate Officer, Urban Estate, Patiala, Pincode-147002.

...Respondents

Memo No. R.E.A.T./2022/ 390

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 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 04th day of August, 2022.

T. Sharma
De

REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB



IN THE REAL ESTATE APPELLATE TRIBUNAL PUNJAB

AT CHANDIGARH
MEMO OF PARTIS

Appeal No. 74 of 2022

Between

Bharat Bhushan, S/o Sh. Harish Kumar, R/o House No. 63,
22 Acre Area, Barnala Punjab

...Appellant

And

1. Real Estate Regulatory Authority Punjab, 1st Floor, Block B,
Plot No. 3, Madhya Marg, Sector-18, Chandigarh-160008
through its Assistant Manager
2. Punjab Urban Development Authority, Sector 62,
Sahibzada Ajit Singh Nagar (Mohali) Punjab
3. Estate Officer, Urban Estate, Patiala, Pincode- 147002

...Respondents

CHANDIGARH (ASHOK GUPTA & EKLAVYA GUPTA)
DATED: 04.05.2022 ADVOCATES

P/410/1979 & P/1513/2009
COUNSELS FOR THE APPELLANT
Mobile No. 94170-06601
Email ID eklavya3@gmail.com



1

**IN THE REAL ESTATE APPELLATE TRIBUNAL PUNJAB
AT CHANDIGARH**

MEMO OF PARTIES

Appeal No. 75 of 2022

Between:

Santosh Rani, W/o Sh. Bharat Bhushan, R/o House No. 63,
22 Acre Area, Barnala Punjab

...Appellant

Versus

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Plot No. 3, Madhya Marg, Sector-18, Chandigarh-160008
through its Assistant Manager
2. Punjab Urban Development Authority, Sector 62,
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**CHANDIGARH
DATED:04.05.2022**

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AT CHANDIGARH**

Appeal No. 76 of 2022

MEMO OF PARTI

Between

Hari Chand S/o Sh. Panna Lal, R/o House No. 290, Aastha
Enclave, Barnala Punjab **...Appellant**

And

1. Real Estate Regulatory Authority Punjab, 1st Floor, Block B,
Plot No. 3, Madhya Marg, Sector-18, Chandigarh-160008
through its Assistant Manager
2. Punjab Urban Development Authority, Sector 62, Sahibzada
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IN THE REAL ESTATE APPELLATE TRIBUNAL PUNJAB

AT CHANDIGARH
MEMO OF PARTIES

Appeal No. 77 of 2022

Between

Vinod Kumar S/o Sh. Charanjeet Lal, R/o House No. BX1119,
ST No. 3, KC Road, Barnala Punjab

...Appellant

And

1. Real Estate Regulatory Authority Punjab, 1st Floor, Block B,
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IN THE REAL ESTATE APPELLATE TRIBUNAL PUNJAB

AT CHANDIGARH

MEMO OF PARTIES

Appeal No. 72 of 2022

Between

Ashok Kumar S/o Sh. Randhir Singh, R/o Flat No. 91, Pocket
2, Sector 19, Green View Apartments, Dwarka, South West
District, New Delhi-110075

...Appellant

And

1. Real Estate Regulatory Authority Punjab, 1st Floor, Block B,
Plot No. 3, Madhya Marg, Sector-18, Chandigarh-160008
through its Assistant Manager
2. Punjab Urban Development Authority, Sector 62,
Sahibzada Ajit Singh Nagar (Mohali) Punjab
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IN THE REAL ESTATE APPELLATE TRIBUNAL PUNJAB

AT CHANDIGARH

MEMO OF PARTIES

Appeal No. 79 of 2022

Between

Achal Kumar, s/o Sh. Prakash Chand, R/o SCO 10 C, Old Tehsil Complex, Barnala, Punjab

...Appellant

And

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

APPEAL NO. 74 OF 2022

Bharat Bhushan, S/o Sh. Harish Kumar, R/o House No 63, 22 Acre
Area, Barnala (Punjab).

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APPEAL NO. 76 OF 2022

Hari Chand S/o Sh. Panna Lal, R/o House No. 290, Astha Enclave,
Barnala (Punjab).

...Appellant

Versus

APPEAL NO. 74 OF 2022 TO APPEAL NO. 79 OF 2022

2

1. Real Estate Regulatory Authority, 1st Floor, Block-B, Plot No. 03, Madhya Marg, Sector-18, Chandigarh 160018.
2. Punjab Urban Development Authority, Sector-62, Sahibzada Ajit Singh Nagar (Mohali) Punjab.
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APPEAL NO. 79 OF 2022

Achal Kumar, S/o Sh. Prakash Chand, R/o SCO 10 C, Old Tehsil Complex, Barnala, Punjab.

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3. Estate Officer, Urban Estate, Patiala, Pincode-147002.

...Respondents

Present: Mr. Ashok Gupta, Advocate for the appellant.
Ms. Navdeep Kaur, Advocate for RERA, Punjab

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



By this order we will dispose of the following appeals:-

Appeal No. 74 of 2022	BHARAT BHUSHAN VS RERA, PUNJAB AND OTHERS
Appeal No. 75 of 2022	SANTOSH RANI VS RERA, PUNJAB AND OTHERS
Appeal No. 76 of 2022	HARI CHAND VS RERA, PUNJAB AND OTHERS
Appeal No. 77 of 2022	VINOD KUMAR VS RERA PUNJAB AND OTHERS
Appeal No. 78 of 2022	ASHOK KUMAR VS RERA, PUNJAB AND OTHERS
Appeal No. 79 of 2022	ACHAL KUMAR VS RERA, PUNJAB AND OTHERS

2. The complainants filed their respective complaints against the respondent-developer/promoter with a grievance that since the

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project was ^{an} ongoing one, it had to be registered with the Authority. The respondents have taken up the plea before the Authority that since the project was complete it was exempted from the provisions of the Act. The Authority recorded a finding as below:-

"Arguments of Shri Ashok Gupta, have been considered and I do not find any merit therein. The Authority has held in "Dr. Anjali Sharma Vs. Gupta Builders and Promoters (P) Ltd". and other connected matters that complaints against such projects that are not registered with this Authority would not be maintainable. This is a clear and unequivocal finding and one cannot go into reasons behind non-registration of the project. It can separately be considered whether the respondent was liable to register the project and whether action under Section 59 of the Act of 2016 is called for. However this does not negate the finding of the Authority noted above."



3. We have already commented on this aspect in **Appeal No. 60 of 2022 (Aman Sethi and Another Vs. Dara Buildtech and Developers Ltd. and another)** and held that the Authority ought not to decline interference in complaints at the threshold on the ground that the project is not registered. We have rather

mandated the Authority that it has to satisfy itself in this regard before taking any decision on complaint.

4. In view of the decision rendered by us in Appeal No. 60 of 2022 (Aman Sethi and Another Vs. Dara Buildtech and Developers Ltd. and another), we are of the opinion that the present appeals need to be accepted and while doing so, we remand the matter back to the Authority for reconsideration of the issue afresh.

Photocopy of this order be placed in connected cases.



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)

July 25, 2022
AN

Certified To Be True Copy
T. Chandra Sekar
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh

04/08/2022