

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

Subject: -

APPEAL NO. 183 OF 2022

IREQ Waterfront Pvt. Ltd., C/o IREQ Waterfront Sales Gallery,
Sidhwan Canal Road, Ferozepur Road, Village Dewatwal,
Ludhiana, Punjab (141102)

...Appellant

Versus

Avtar Singh Azad, R/o 521, Housefed Complex, Pakhowal
Road, Ludhiana, Punjab (141013)

....Respondent

Memo No. R.E.A.T./2022/ **522**

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 **10th
day of October, 2022.**



Tharun Singh
REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

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IN THE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

APPEAL NO. 183 OF 2022

(Arising out of Complaint ADC No. 1267 of 2019)
[Date of Order: 29.07.2022 order received 09.08.2022]

Ireo Waterfront Pvt. Ltd. ...Appellant

VERSUS

Avtar Singh Azad ...Respondent

MEMO OF PARTIES

Ireo Waterfront Pvt. Ltd., C/o Ireo Waterfront Sales Gallery, Sidhwan
Canal Road, Ferozepur Road, Village Dewatwal, Ludhiana, Punjab
141102

VERSUS

Avatar Singh Azad, resident of 521, Housefed Complex, Pakhowal
Road, Ludhiana, Punjab 141013

Chandigarh
Dated:



(SANDEEP VERMA & KARAN KALRA)
ADVOCATES
COUNSELS FOR THE APPELLANT

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

APPEAL NO. 183 OF 2022

IREO Waterfront Pvt. Ltd., C/o IREO Waterfront Sales Gallery,
Sidhwan Canal Road, Ferozepur Road, Village Dewatwal,
Ludhiana, Punjab (141102)

...Appellant

Versus

Avtar Singh Azad, R/o 521, Housefed Complex, Pakhowal
Road, Ludhiana, Punjab (141013)

....Respondent

Present: Mr. Sandeep Verma, Advocate for the appellant.

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)

1. This appeal by IREO Waterfront Pvt. Ltd. (hereinafter called the appellant) has been preferred against the order dated 29.07.2022 passed by the Adjudicating Officer of the Real Estate Regulatory Authority, Punjab (hereinafter known as the Authority).



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2. An application was filed by an entity going by the name of AIPL Housing and Urban Infrastructure Ltd. for setting aside the order dated 20.08.2019 vide which the appellant company known as IREO Waterfront Pvt. Ltd. was proceeded against ex parte. It needs to be clarified that M/s AIPL Housing and Urban Infrastructure Ltd. (hereinafter called as applicant) was never in the picture when order dated 20.08.2019 was passed against the appellant.
3. A complaint was preferred by the complainant Avtar Singh Azad (hereinafter known as the respondent) in Form N against the appellant for grant of compensation on account of failure to provide promised facilities and with regard to other deficiencies in the project. Notice was issued to the appellant who was duly served for the proceedings slated, for 20.08.2019 but none appeared leading to an ex parte order.
4. Almost 2 years thereafter i.e. 31.08.2021 an application was filed by M/s AIPL Housing and Urban Infrastructure Ltd. i.e. the applicant, for setting aside the ex parte order dated 20.08.2019 subsisting against the appellant IREO Waterfront Pvt. Ltd. It claimed itself to be holder of general power of attorney and enabled to conduct proceedings on behalf of the present appellant. It also



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claimed an Assets and Management Control Contract in its favor, implying that it had stepped into the shoes of IREO Waterfront Pvt. Ltd.

5. In the application filed for setting aside the ex parte order dated 20.08.2019 no reason was given except to state that prejudice would be caused if the order was permitted to stand.
6. Vide the impugned order the prayer was declined by the Adjudicating Officer of the Authority by noticing that although the order against the appellant was passed on 20.08.2019 the applicant M/s AIPL Housing and Urban Infrastructure Ltd. appeared on 19.10.2021 and stated that there is a possibility of compromise, on the strength of which repeated adjournments were sought i.e. from 19.10.2021 to 22.12.2021; 22.12.2021 to 27.01.2022; from 27.01.2022 till 07.03.2022 and it is at this stage that an application for setting aside the ex parte order was filed i.e. on 21.03.2022 with apparently no plausible reason for the earlier defaults.
7. Strangely the Adjudicating Officer did not question the locus of the applicant, and did not put it to the rigors of a closer scrutiny particularly when in the original proceedings IREO Waterfront Pvt. Ltd, was the only



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respondent, who appeared and defaulted leading to an order dated 20.08.2019.

8. It was this application of the applicant and not of the appellant i.e. IREO Waterfront Pvt. Ltd. which was dismissed by virtue of the order on 29.07.2022 that is now impugned by the appellant IREO Waterfront Pvt. Ltd. although M/s AIPL Housing and Urban Infrastructure Ltd. had moved the application resulting in the impugned order and wherein it had pleaded that it had taken over the project being executed by the IREO Waterfront Pvt. Ltd. and was thus authorized to contest the proceedings.
9. Strangely enough the present appeal has been filed by IREO Waterfront Pvt. Ltd. and there is no mention of any such arrangement in the pleadings before us. If M/s AIPL Housing and Urban Infrastructure Ltd. had taken over M/s IREO Waterfront Pvt. Ltd. or had any contractual arrangement authorizing it to step into the shoes of M/s IREO Waterfront Pvt. Ltd. then, where is the occasion for M/s IREO Waterfront Pvt. Ltd. to file the present appeal. Nothing has been said as to whether M/s AIPL Housing and Urban Infrastructure Ltd. has been authorized to initiate the present proceedings. So much so that it has not even been stated that whether M/s AIPL Housing and



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Urban Infrastructure Ltd. has any locus to initiate the appeal and if the Assets and Management Contract as alleged by M/s AIPL Housing and Urban Infrastructure Ltd. is in place then what is the status of company IREO Waterfront Pvt. Ltd. The impugned order was passed on an application filed by M/s AIPL Housing and Urban Infrastructure Ltd. and not on any plea raised by the present appellant i.e. IREO Waterfront Pvt. Ltd.

10. During the course of arguments before us a completely different and misleading picture of a settlement with the complainant was presented, regarding which we do not wish to comment in detail but nothing was argued about the locus of IREO Waterfront Pvt. Ltd. to initiate the present appeal. Looking at the fact that an application for setting aside the ex parte order was filed by an entity by the name of M/s AIPL Housing and Urban Infrastructure Ltd. who pleaded that it had in its favor an Assets and Management Contract with the present appellant, but yet the appeal is being preferred by M/s IREO Waterfront Pvt. Ltd. We thus cannot entertain the present appeal by an entity who may have lost its identity to the applicant who initiated an application for setting aside the ex parte order against the present appellant.



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11. No explanation worth the name has come on record in this regard. The appeal therefore has not been presented by an entity at whose behest the impugned order was passed. Rather the appellant would be nowhere in the picture if the entire proceedings before the Authority are viewed logically. If we have to acknowledge the present appellant i.e. IREO Waterfront Pvt. Ltd as the appellant then in this situation an adverse order stood passed against it on 20.08.2019. This order was never questioned by the present appellant before the Authority while the entity that invited the impugned order has not initiated the present appeal and never sought to implead itself as a party before the Authority.
12. The appeal therefore has to be dismissed solely on this ground that it has not been preferred by an entity against whom the impugned order was passed. There is no explanation as to the locus of the entity filing the appeal and as to what is the status of the person who has executed the affidavits i.e. Maheep Singh Sandhu.
13. In view of the above, the appeal being totally without merit and filed by an entity not competent to do so the same is dismissed with a cost of Rs.1,00,000/- as we view it as an attempt to override the Court. Cost shall be deposited in the account of Real Estate Regulatory



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Authority, Punjab by the present appellant and Sh. Maheep Singh Sandhu who has signed the affidavits in support of the appeal in equal shares i.e. Rs.50,000/- each.

Files be consigned to the 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)

October 03, 2022
DS



Certified To Be True Copy

Anand Kumar
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh

10/10/2022