

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

Subject: -

APPEAL NO. 07 OF 2023

M/s Omaxe Chandigarh Extension Developers Pvt. Ltd.,
(formerly known as M/s Omaxe Chandigarh Extension
Developers Pvt. Ltd), through its Authorized
Representative/Signatory namely Sh. Deepanjit Singh S/o Sh.
Satwant Singh, India Trade Tower, 1st Floor, Baddi-Kurali
Road, New Chandigarh, District Shabzada Ajit Singh Nagar
(Mohali), Punjab Pin Code-140901.

...Appellant

Versus

Kuldeep Singh S/o Sh. Om Parkash Yadav, R/o House No.
3194, Opposite Kidzee School, Vikas Nagar, Naya Gaon,
District Sahibzada Ajit Singh Nagar (Mohali) Punjab, Pin Code-
160103.

....Respondent

Memo No. R.E.A.T./2023/ 193

To,

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



Whereas appeal 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 appeal 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 09th
day of May, 2023.

Manoj Kumar
REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

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IN THE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

Appeal No. 07 of 2023

MEMO OF PARTIES

M/s Omaxe New Chandigarh Developers Pvt. Ltd. (formerly known as M/s Omaxe Chandigarh Extension Developers Private Limited), through its Authorized Representative/Signatory namely Sh. Deepanjit Singh son of Sh. Satwant Singh, India Trade Tower, First Floor, Baddi Kurali Road, New Chandigarh, Mullanpur, District Shabzada Ajit Singh Nagar (Mohali), Punjab, Pin Code 140901.

...Appellant


Versus

Kuldeep Singh son of Sh. Om Parkash Yadav, Resident of House No. 3194, Opposite Kidzee School, Vikas Nagar, Naya Gaon, District Sahibzada Ajit Singh Nagar (Mohali) Punjab, Pin Code 160103.

...Respondent-Complainant



Place: Chandigarh.
Dated: 02.03.2023


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

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

APPEAL NO. 07 OF 2023

M/s Omaxe Chandigarh Extension Developers Pvt. Ltd.,
(formerly known as M/s Omaxe Chandigarh Extension
Developers Pvt. Ltd), through its Authorized
Representative/Signatory namely Sh. Deepanjit Singh S/o Sh.
Satwant Singh, India Trade Tower, 1st Floor, Baddi-Kurali
Road, New Chandigarh, District Shabzada Ajit Singh Nagar
(Mohali), Punjab Pin Code-140901.

...Appellant

Versus

Kuldeep Singh S/o Sh. Om Parkash Yadav, R/o House No.
3194, Opposite Kidzee School, Vikas Nagar, Naya Gaon,
District Sahibzada Ajit Singh Nagar (Mohali) Punjab, Pin Code-
160103.

....Respondent

Present: Mr. Munish Gupta, 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)
(ORAL)



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1. This appeal has been filed against the order of the Real Estate Regulatory Authority, Punjab (hereinafter known as the Authority) dated 04.10.2022. Alongwith appeal, an application for condonation of delay of 83 days has been filed and the reasons for condoning it have been set out in para 5 and 6 of the application which we deem appropriate to extract:-

5. *That it is a matter of fact that since 2016, there has been serious recession in Real Estate Sector and Pandemic of COVID-19, since March 2020, has given it a further major blow/setback.*

6. *That on account of financial difficulties being faced, it took time for the Finance/Accounts Department of Appellant-Company to prepare the requisite demand draft, as required in terms of the proviso to Section 43(5) of the Act, and the same, amounting to Rs.24,59,322/- could be prepared, only on 27.02.2023.*

We may mention here that this impugned order was passed on 04.10.2022 and even the benefit of the Hon'ble Supreme Court's order during pandemic does not come to the rescue of the appellant. The reasons given in the aforesaid paragraphs are hardly inspiring for us to accept. To say that the developer is in financial distress, without there being any material to support such a plea, it would be difficult to accept it as a reason to condone the delay particularly, when in an adversarial litigation a right accrues to the opposite party in the event of default by



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other Besides a related Appeal No.15 of 2023 involving the same point has been filed, with a delay of more than 300 days with same plea.

2. We thus do not find that the grounds set out in the application are persuasive enough for us to condone the delay.
3. Appeal is therefore dismissed on the ground of delay.

File be consigned to the record room.



Sdr
JUSTICE MAHESH GROVER (RETD.)
CHAIRMAN

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

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

April 24, 2023
AG

Certified To Be True Copy

Tharun Kaur
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh

09/05/2023.