

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

Subject: -

**APPEAL NO.27 of 2023**

Smt. Meera Bhalla, w/o Late Sh. Rakesh Bhalla village Kotli  
Mughlan, Pathankot, Punjab-145025.

...Appellant

Versus

Real Estate Regulatory Authority, Punjab, 1<sup>st</sup> Floor, Block-B, Plot  
No.3, Madhya Marg, Sector 18, Chandigarh-160008 through its  
Assistant Manager.

....Respondent

**APPEAL NO.28 of 2023**

Raman Bhalla, S/o Shri Madan Lal Bhalla, Mission Road  
Golden Colony, Pathankot, 145025.

...Appellant

Versus

Real Estate Regulatory Authority, Punjab, 1<sup>st</sup> Floor, Block-B, Plot  
No.3, Madhya Marg, Sector 18, Chandigarh-160008 through its  
Assistant Manager.

....Respondent

Memo No. R.E.A.T./2023/252

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 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 11th  
day of July, 2023.

  
REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB



BEFORE THE REAL ESTATE APPELLATE TRIBUNAL PUNJAB

AT CHANDIGARH

Appeal No. 27 of 2023

**MEMO OF PARTIES**

Smt. Meera Bhalla, w/o Late Sh. Rakesh Bhalla Village Kotli Mughlan,  
Pathankot, Punjab-145025 ...Appellant

Versus

Real Estate Regulatory Authority Punjab, 1<sup>st</sup> Floor, Block B, Plot No. 3,  
Madhya Marg, Sector-18, Chandigarh-160008 through its Assistant  
Manager ...Respondent

Chandigarh

Dated: 29.05.2023

(AMITABH TEWARI) (SHIVAM SHARMA)

P-1780/2014

(PH-3241/2020)

PH220452

PH230196

Advocates

COUNSELS FOR THE APPELLANT



BEFORE THE REAL ESTATE APPELLATE TRIBUNAL PUNJAB

AT CHANDIGARH

Appeal No. 28 of 2023

**MEMO OF PARTIES**

Raman Bhalla S/O Shri Madar: Lal Bhalla, Mission Road, Golden  
Colony, Pathankot, 145025 ...Appellant

Versus

Real Estate Regulatory Authority Punjab, 1<sup>st</sup> Floor, Block B, Plot No. 3,  
Madhya Marg, Sector-18, Chandigarh-160008 through its Assistant  
Manager ...Respondent



Chandigarh

Dated: 29.05.2023

*Amitabh*  
(AMITABH TEWARI) (SHIVAM SHARMA)  
P-1780/2014 (PH-3241/2020)  
PH220452 PH230196

COUNSELS FOR THE APPELLANT

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

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**APPEAL NO. 27 of 2023**

Smt. Meera Bhalla, w/o Late Sh. Rakesh Bhalla village Kotli  
Mughlan, Pathankot, Punjab-145025.

...Appellant

Versus

Real Estate Regulatory Authority, Punjab, 1<sup>st</sup> Floor, Block-B, Plot  
No.3, Madhya Marg, Sector 18, Chandigarh-160008 through its  
Assistant Manager.

....Respondent

**APPEAL NO. 28 of 2023**

Raman Bhalla, S/o Shri Madan Lal Bhalla, Mission Road  
Golden Colony, Pathankot, 145025.

...Appellant

Versus

Real Estate Regulatory Authority, Punjab, 1<sup>st</sup> Floor, Block-B, Plot  
No.3, Madhya Marg, Sector 18, Chandigarh-160008 through its  
Assistant Manager.

....Respondent

\*\*\*

Present: Mr. Amitabh Tewari, 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)**





**APPEAL Nos. 27 & 28 OF 2023**

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1. These appeals bearing No.27 and 28 are directed against the order dated 05.06.2022<sup>07/06/22</sup> passed by the Real Estate Regulatory Authority, Punjab (hereinafter known as the Authority).
2. The appellants are the developers who faced proceedings earlier for non-registration of the project that invited an imposition of penalty of Rs.25 lacs each in the case of Raman Bhalla and in the case of Smt. Meera Bhalla.
3. This order imposing penalty for violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016 was passed on 25.03.2021 and related to two different projects i.e., 'Palms Enclave' and 'Maple Enclave'. There was a third project by the name of 'Silver Oak Enclave' pertaining to one Mr. Raghav Bhalla who is not an appellant before us.



It is pertinent to mention here that the order dated 25.03.2021 was passed in ex parte proceedings, after the appellants defaulted in appearance even though they had put in appearance on numerous occasions before the default. An application under Order 9 Rule 13 was filed seeking a recall of the order dated 25.03.2021 but withdrawn subsequently, and instead review applications filed before the Authority, resulting in orders vide which the finding regarding violation of the Act was reiterated but the penalty amount was reduced.

5. The application for review filed on 23.12.2021 primarily urged the Authority to take into consideration the following aspects:-

- i. The applicants could not register projects with the Authority since they had sought a change in the Master Plan of Pathankot and any change would affect the layout of the project also. No decision was taken by the Government on this request.*
- ii. The order was passed ex parte and was not valid since notice of the hearing was not given to the applicants.*
- iii. The order dated 25.03.2021 was passed after keeping the matters in abeyance for a long time and hence the applicants were under impression that the notices had been filed.*
- iv. The penalty imposed was on the higher side since the cost of the entire land had been taken into consideration whereas only about 60% of the area could have been sold to the public."*

6. The Authority considered the applications for review and declined interference but in its wisdom chose to reduce the penalty by 10% and in this way the appellants were fastened with a liability of Rs.22.50 lacs each.

Aggrieved the appellants are in appeal before us.

8. While arguing the matter, the learned counsel for the appellant reiterated the same grounds for our consideration as the ones which were raised before the Authority while seeking review of the order dated 25.03.2021. It was urged before us that even though these grounds were taken, the Authority failed to offer any reasons to discard them.





9. We have heard the learned counsel for the appellant at some length.
10. A perusal of para 5 of the Order dated 05.07.2022, passed by the Authority shows that the appellant's contention of the afore extracted issues not finding mention in the reasoning of the orders passed by the Authority is not tenable. The Authority has dealt with these issues in its Order dated 25.03.2021 and it was right in observing that the scope of review was restricted only to an error apparent on the face of it. The appellant could not have asked for a rehearing of the matter particularly when he himself was in violation of the provisions of the statute and in default in appearance.
11. The appellants were proceeded against ex parte on 09.09.2019 when no one appeared on their behalf even though they were present on previous dates of hearing. The representative of the Authority was asked to produce evidence during the proceedings, on the basis of which the issue of excessive penalty or no penalty could be considered. Information was also sought from the Amritsar Development Authority and the District Collector, Amritsar. As many as 20 hearings took place between 09.09.2019 and 25.03.2021 when the orders were finally passed. The authority then justified the imposition of penalty, in accordance with the fee that has



to be paid on the total area of the project land and restricted to not just the saleable area. Taking both the issues into account i.e. the merits of the case and the default of the appellant, the order dated 25.03.2021 imposing a penalty of Rs.25 lacs was passed and thereafter finding no error apparent on the face of it, the penalty was still reduced by 10% to Rs.22.5 lacs.

12. The appellant have now failed to point out any error in the reasoning or approach of the Authority. The plea that penalty is excessive has been raised without offering any supportive material. Even otherwise merely because the appellant perceives the amount of penalty to be excessive can be no ground to interfere with such an order which on the face of it does not reveal any perversity.

13. That apart the appeal has been filed with an inordinate delay of more than 250 days and the reasons given are not justifiable. Consequently we do not find any justifiable reasons to interfere in the said appeals which are dismissed.



*Sdt*  
**JUSTICE MAHESH GROVER (RETD.)**  
**CHAIRMAN**

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

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

**July 03, 2023**  
**CND**

Certified To Be True Copy

*Shanesh Law*  
Registrar  
Real Estate Appellate Tribunal Punjab  
Chandigarh  
11/07/2023