

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

Subject: -

APPEAL NO. 05 of 2024

M/s Malhotra Land Developers & Colonisers Pvt. Ltd, Shop
No.14-15, Palm Heights, VPO Jaspal Bangar, Sidhwan
Canal road, Southern Bye Pass, Ludhiana-141122

...Appellant

Real Estate Regulatory Authority Punjab at Chandigarh
1st floor, Plot No.3, Block B, Madhya Marg, Sector 18-A,
Chandigarh

....Respondent/Complainant

Appeal No.06 of 2024

M/s Malhotra Land Developers & Colonisers Pvt. Ltd, Shop
No.14-15, Palm Heights, VPO Jaspal Bangar, Sidhwan
Canal road, Southern Bye Pass, Ludhiana-141122

...Appellant

Real Estate Regulatory Authority Punjab at Chandigarh
1st floor, Plot No.3, Block B, Madhya Marg, Sector 18-A,
Chandigarh

....Respondent/Complainant

Appeal No.07 of 2024

M/s Malhotra Land Developers & Colonisers Pvt. Ltd, Shop
No.14-15, Palm Heights, VPO Jaspal Bangar, Sidhwan
Canal road, Southern Bye Pass, Ludhiana-141122

...Appellant

Real Estate Regulatory Authority Punjab at Chandigarh
1st floor, Plot No.3, Block B, Madhya Marg, Sector 18-A,
Chandigarh

....Respondent/Complainant



Appeal No.08 of 2024

M/s Malhotra Land Developers & Colonisers Pvt. Ltd, Shop No.14-15, Palm Heights, VPO Jaspal Bangar, Sidhwan Canal road, Southern Bye Pass, Ludhiana-141122

...Appellant

Real Estate Regulatory Authority Punjab at Chandigarh
1st floor, Plot No.3, Block B, Madhya Marg, Sector 18-A,
Chandigarh

....Respondent/Complainant

Appeal No.10 of 2024

M/s Online Finvest& Infrastructure (P) Ltd.,
#280, Model Gram, District Ludhiana-141002

...Appellant

Versus

Real Estate Regulatory Authority Punjab at Chandigarh
1st floor, Plot No.3, Block B, Madhya Marg, Sector 18-A,
Chandigarh

....Respondent/Complainant

Appeal No.11 of 2024

M/s Online Finvest & Infrastructure (P) Ltd.,
#280, Model Gram, District Ludhiana-141002

...Appellant

Versus

Real Estate Regulatory Authority Punjab at Chandigarh
1st floor, Plot No.3, Block B, Madhya Marg, Sector 18-A,
Chandigarh

....Respondent/Complainant



Memo No. R.E.A.T./2024/ 33

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 25th day

of January, 2024.



Dr. Anand Kumar

REGISTRAR
REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

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

Appeal No. 05/2023

M/s Malhotra Land Developers & Colonisers Pvt. Ltd

.....Appellant

Versus

Real Estate Regulatory Authority Punjab at Chandigarh

....Respondent

MEMO OF PARTIES

M/s Malhotra Land Developers & Colonisers Pvt. Ltd, Shop No. – 14-15, Palm Heights, VPO Jaspal Bangar, Sidhwan Canal Road, Southern Bye Pass, Ludiana – 141122.

.....Appellant

Versus


Real Estate Regulatory Authority Punjab at Chandigarh

1st Floor, Plot No.3, Block B, Madhya Marg, Sector 18A, Chandigarh

...Respondent



Place: *Chd*
Date: *12/12/23*


Signature of the appellant

Through Counsel

Mohit *Pooja* *manisha maggu*
Mohit Dhiman & Pooja & Manisha Maggu
(PH/5981/2021) & (PH/2251/2019) & (PH/3341/2022)
(Advocates)
Counsel for the Appellant

1

IN THE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB
AT CHANDIGARH

Appeal No. 06/2024

M/s Malhotra Land Developers & Colonisers Pvt. Ltd

.....Appellant

Versus

Real Estate Regulatory Authority Punjab at Chandigarh

....Respondent

MEMO OF PARTIES

M/s Malhotra Land Developers & Colonisers Pvt. Ltd, Shop No. – 14-15, Palm Heights, VPO Jaspal Bangar, Sidhwan Canal Road, Southern Bye Pass, Ludiana – 141122.

.....Appellant

Versus

Real Estate Regulatory Authority Punjab at Chandigarh

Ist Floor, Plot No.3, Block B, Madhya Marg, Sector 18A, Chandigarh

...Respondent



Place: Chd
Date: 2/12/23

Signature of the appellant

Through Counsel

Mohit

Pooja Manisha Maggu

Mohit Dhiman & Pooja & Manisha Maggu
(PH/5981/2021) & (PH/2251/2019) & (PH/3341/2022)
(Advocates)

Counsel for the Appellant

1

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

APPEAL No. 07/2024

M/s Malhotra Land Developers & Colonisers Pvt. Ltd

.....Appellant

Versus

Real Estate Regulatory Authority Punjab at Chandigarh

....Respondent

MEMO OF PARTIES

M/s Malhotra Land Developers & Colonisers Pvt. Ltd, Shop No. – 14-15, Palm Heights, VPO Jaspal Bangar, Sidhwan Canal Road, Southern Bye Pass, Ludiana – 141122.

.....Appellant

Versus

Real Estate Regulatory Authority Punjab at Chandigarh

Ist Floor, Plot No.3, Block B, Madhya Marg, Sector 18A, Chandigarh

...Respondent



Place: *Chd*
Date: *12/12/23*

Signature of the appellant

Through Counsel

mohit

Pooja Manisha Maggu

Mohit Dhiman & Pooja & Manisha Maggu
(PH/5981/2021) & (PH/2251/2019) & (PH/3341/2022)
(Advocates)

Counsel for the Appellant

IN THE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AT CHANDIGARH

Appeal No. 08/2024

M/s Malhotra Land Developers & Colonisers Pvt. Ltd

.....Appellant

Versus

Real Estate Regulatory Authority Punjab at Chandigarh

....Respondent

MEMO OF PARTIES

M/s Malhotra Land Developers & Colonisers Pvt. Ltd, Shop No. – 14-15, Palm Heights, VPO Jaspal Bangar, Sidhwan Canal Road, Southern Bye Pass, Ludiana – 141122.

.....Appellant

Versus

Real Estate Regulatory Authority Punjab at Chandigarh

1st Floor, Plot No.3, Block B, Madhya Marg, Sector 18A, Chandigarh

...Respondent



Place: *Crd.*
Date: *12/2/23*

Signature of the appellant

Through Counsel

Mohit Dhiman & Pooja & Manisha Maggu
(PH/5981/2021) & (PH/2251/2019) & (PH/3341/2022)

(Advocates)

Counsel for the Appellant

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

Appeal No. 10/2024

M/s Online Finvest & Infrastructure (P) LtdAppellant

Versus

Real Estate Regulatory Authority PunjabRespondent

MEMO OF PARTIES

M/s Online Finvest & Infrastructure (P) Ltd.,

#280, Model Gram, District Ludhiana-141002

...Appellant

Versus

Real Estate Regulatory Authority Punjab

1st Floor, Plot No.3, Block B, Madhya Marg, Sector 18A, Chandigarh

...Respondent



Place: Chandigarh
Date: 10/12/23

Through Counsel

Mohit

Pooja Manisha Maggu

Mohit Dhiman & Pooja & Manisha Maggu
(PH/5981/2021) & (PH/2251/2019) & (PH/3341/2022)
(Advocates)
Counsel for the Appellant

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

Appeal No. 11/2024

M/s Online Finvest & Infrastructure (P) LtdAppellant

Versus

Real Estate Regulatory Authority PunjabRespondent

MEMO OF PARTIES

M/s Online Finvest & Infrastructure (P) Ltd.,

#280, Model Gram, District Ludhiana-141002

...Appellant

Versus

Real Estate Regulatory Authority Punjab

Ist Floor, Plot No.3, Block B, Madhya Marg, Sector 18A, Chandigarh

...Respondent



Place: Chandigarh

Date: 7/12/23

Through Counsel

Mohit

Rooja

manisha maggu

Mohit Dhiman & Rooja & Manisha Maggu
(PH/5981/2021) & (PH/2251/2019) & (PH/3341/2022)

(Advocates)

Counsel for the Appellant

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

APPEAL NO. 05 of 2024

M/s Malhotra Land Developers & Colonisers Pvt. Ltd, Shop
No.14-15, Palm Heights, VPO Jaspal Bangar, Sidhwan
Canal road, Southern Bye Pass, Ludhiana-141122

...Appellant

Real Estate Regulatory Authority Punjab at Chandigarh
1st floor, Plot No.3, Block B, Madhya Marg, Sector 18-A,
Chandigarh

....Respondent/Complainant

Appeal No.06 of 2024

M/s Malhotra Land Developers & Colonisers Pvt. Ltd, Shop
No.14-15, Palm Heights, VPO Jaspal Bangar, Sidhwan
Canal road, Southern Bye Pass, Ludhiana-141122

...Appellant

Real Estate Regulatory Authority Punjab at Chandigarh
1st floor, Plot No.3, Block B, Madhya Marg, Sector 18-A,
Chandigarh

....Respondent/Complainant

Appeal No.07 of 2024

M/s Malhotra Land Developers & Colonisers Pvt. Ltd, Shop
No.14-15, Palm Heights, VPO Jaspal Bangar, Sidhwan
Canal road, Southern Bye Pass, Ludhiana-141122

...Appellant

Real Estate Regulatory Authority Punjab at Chandigarh
1st floor, Plot No.3, Block B, Madhya Marg, Sector 18-A,
Chandigarh

....Respondent/Complainant

Appeal No.08 of 2024



APPEAL Nos.5,6,7,8,10 & 11 OF 2024

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M/s Malhotra Land Developers & Colonisers Pvt. Ltd, Shop
No.14-15, Palm Heights, VPO Jaspal Bangar, Sidhwan
Canal road, Southern Bye Pass, Ludhiana-141122

...Appellant

Real Estate Regulatory Authority Punjab at Chandigarh
1st floor, Plot No.3, Block B, Madhya Marg, Sector 18-A,
Chandigarh

....Respondent/Complainant

Appeal No.10 of 2024

M/s Online Finvest& Infrastructure (P) Ltd.,
#280, Model Gram, District Ludhiana-141002

...Appellant

Versus

Real Estate Regulatory Authority Punjab at Chandigarh
1st floor, Plot No.3, Block B, Madhya Marg, Sector 18-A,
Chandigarh

....Respondent/Complainant

Appeal No.11 of 2024

M/s Online Finvest& Infrastructure (P) Ltd.,
#280, Model Gram, District Ludhiana-141002

...Appellant

Versus

Real Estate Regulatory Authority Punjab at Chandigarh
1st floor, Plot No.3, Block B, Madhya Marg, Sector 18-A,
Chandigarh

....Respondent/Complainant

Present: - Ms. Manisha Maggu, Advocate for Mr. Mohit
Dhiman, Advocate for the appellant

CORAM: JUSTICE MAHESH GROVER (RETD.), CHAIRMAN

SH. S.K. GARG DISTT. & SESSIONS JUDGE (RETD.),

MEMBER (JUDICIAL)



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

1. By this order we will dispose of six appeals bearing Nos.5, 6, 7, 8, 10 and 11 of 2024 titled M/s Malhotra Land Developers & Colonisers Pvt. Ltd Vs. Real Estate Regulatory Authority, Punjab, M/s Malhotra Land Developers & Colonisers Pvt. Ltd Vs. Real Estate Regulatory Authority, Punjab, M/s Malhotra Land Developers & Colonisers Pvt. Ltd Vs. Real Estate Regulatory Authority, Punjab, M/s Online Finvest & Infrastructure (P) Ltd Vs Real Estate Regulatory Authority, Punjab and M/s Online Finvest & Infrastructure (P) Ltd Vs Real Estate Regulatory Authority, Punjab as they have commonality of facts, involving similar controversy.



What has been impugned before us is an order passed by the Authority imposing a penalty under Section 60 and 61 of the Act for not furnishing and uploading the information and other relevant data related to the project in terms of the requirement of law i.e. Section 60 and 61 of the Act. For the purposes of reference the provisions of law are extracted herebelow:

“60. If any promoter provides false information or contravenes the provisions of section 4, he shall be liable to a penalty which may extend up to five percent of the

APPEAL Nos.5,6,7,8,10 & 11 OF 2024

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estimated cost of the real estate project, as determined by the Authority.”

“61 If any promoter contravenes any other provisions of this Act, other than provide under section 3 or section 4, or the rules or regulations made thereunder, he shall be liable to a penalty which may extend up to five per cent of the estimated cost of the real estate project as determined by the Authority.”

3. Since the appeals are being disposed of through a common order we would for the purposes of reference extract here below the particulars of the company, and the amount of penalty imposed in a tabulated form:

In Appeal No.05 of 2024 (Calculation Sheet)

Penalty Imposed as per Impugned Order	Rs.25,000/-
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In Appeal No.06 of 2024 (Calculation Sheet)

Penalty Imposed as per Impugned Order	Rs.25,000/-
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In Appeal No.07 of 2024 (Calculation Sheet)

Penalty Imposed as per Impugned Order	Rs.25,000/-
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In Appeal No.08 of 2024 (Calculation Sheet)

Penalty Imposed as per Impugned Order	Rs.25,000/-
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APPEAL Nos.5,6,7,8,10 & 11 OF 2024

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In Appeal No.10 of 2024 (Calculation Sheet)

Penalty Imposed as per Impugned Order	Rs.25,000/-
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In Appeal No.11 of 2024 (Calculation Sheet)

Penalty Imposed as per Impugned Order	Rs.25,000/-
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4. The argument raised before us is that the amount of penalty imposed is highly excessive particularly when the developer became compliant after issuance of notice.
5. Another submission which has been made is that the Authority is applying different yardsticks in imposition of penalty because in some of the cases the penalty imposed is Rs.10,000/- and in at least one of the cases i.e. in Appeal No. 09 of 2024 titled as Ms. Sangrur Builders Pvt. Ltd. Vs. Real Estate Regulatory Authority, Punjab the penalty imposed is to the tune of more than Rs.1,00,000/- for each default.
6. We have heard learned counsel for the appellant. There is no dispute about the fact that the appellant has been in default and not compliant of provisions of Section 60 and 61 of the Act. However, after notices were issued the developers did furnish the requisite information, but for the violation committed they have been visited with penal consequences as indicated above in the foregoing paras.
7. We are unable to accept the plea of penalty being excessive for the simple reason that the developer is indeed in default



APPEAL Nos.5,6,7,8,10 & 11 OF 2024

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in compliance of provisions of law and merely because the appellant perceives the penalty as excessive can be no ground for interference and a reason to substitute our opinion in preference to the one by the Authority. The quantum of penalty ought to be interfered with only if it is shown to be highly disproportionate to the default. In the instant cases penalty of the amounts noticed in foregoing paras cannot be termed to be perverse or aggravated to warrant an interference. These appeals are therefore, dismissed.

8. We do however find some merit in the plea of the appellant that it would be desirable to apply a yardstick in imposition of penalty proportionate to the defaults and the amount so imposed should not seem whimsical. The Authority would do well to formulate through an internal mechanism some methodology to establish unanimity or near uniformity in the impositions of such penalties. Dismissed as above.

Sdr
JUSTICE MAHESH GROVER (RETD.)
CHAIRMAN

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

January 15th, 2024
SR

Certified To Be True Copy

Manu Kaur
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh

25/01/2024