

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

Subject: -

**Appeal No. 35 of 2023**

1. Mrs. Anupama Sharma House No.1199/2, Sector 37-B, Chandigarh, presently shifted to House No.1192/1, Sector 37-B, Chandigarh
2. Mr Jai Gopal Sharma House No.1199/2, Sector 37-B, Chandigarh, presently shifted to House No.1192/1, Sector 37-B, Chandigarh

...Appellants

Versus

1. M/s Manohar Infrastructure & Constructions Pvt. Ltd., through its Managing Director/Authorized Signatory Sh. Tarninder Singh and Director Sh. Narinderbir Singh, and others Sco.139-141, Sector 17-C, Chandigarh.
2. Sh. Tarninder Singh Sco.139-141 Sector 17-C, Chandigarh
3. Narinderbir Singh, Director Sco.139-141 Sector 17-C, Chandigarh

....Respondents



Memo No. R.E.A.T./2024/ 136

To,

REAL ESTATE REGULATORY AUTHORITY, PUNJAB 1<sup>ST</sup> 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 for compliance and the judgment may be uploaded on website.

Given under my hand and the seal of the Hon'ble Tribunal this **4th day of April, 2024.**

*Tharinder Singh*  
REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

IN THE REAL ESTATE APPELLATE TRIBUNAL PUNJAB AT CHANDIGARH

APPEAL NO. 35 OF 2023

MEMO OF PARTIES

1. Mrs. Anupama Sharma & ~~Another~~ House No. 1199/2, Sector 37-B, Chandigarh, presently shifted to House No. 1192/1, Sector 37-B, Chandigarh
2. Mr Jai Gopal Sharma House No. 1199/2, Sector 37-B, Chandigarh, presently shifted to House No. 1192/1, Sector 37-B, Chandigarh

..... Appellants

AND

1. M/s Manohar Infrastructures & Constructions Pvt. Ltd., through its Managing Director/ Authorized Signatory Sh. Tarninder Singh and Director Sh. Narinderbir Singh. And others Sco.139-141 Sector-17-C Chandigarh
2. Sh. Tarninder Singh Sco.139-141 Sector-17-C Chandigarh  
Narinderbir Singh. Director Sco.139-141 Sector-17-C Chandigarh

.. Respondents



Varinder Arora  
#3456, Sector 35-D, Chandigarh  
E. No. P/1130/2005  
C.No. 2171



REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AT CHANDIGARH

APPEAL NO. 35 OF 2023

MRS. ANUPAMA SHARMA & ANOTHER

VERSUS

M/S MANOHAR INFRASTRUCTURES & CONSTRUCTIONS  
PVT. LTD. & OTHERS

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**Present: -** Mrs. Anupama Sharma (In person)  
Mr. Varinder Arora, Advocate for the appellant  
Mr. Manmohan Sharma, Advocate for the  
respondent

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The appellant is aggrieved of Order dated 16.05.2023 vide which his application for restoration of the complaint was declined. On 17.01.2023 complaint preferred by the appellant was dismissed for want of prosecution which was then sought to be restored through an application which also met the same fate vide impugned order dated 16.05.2023.

A perusal of the impugned order shows that reason for non-appearance of the counsel for the complainant on 17.01.2023 was his pre-occupation in some other matter before the District Court at Chandigarh. The impugned order notices that the complaint was initially fixed for arguments on 26.04.2022 and subsequent thereto matter adjourned several times with no appearance from the complainant or her counsel eventually leading to the dismissal of complaint on 17.01.2023.

From the impugned order one gathers the impression that the counsel for the appellant had merely tried to explain his non-appearance on 17.01.2023 but did not satisfactorily explain the defaults prior thereto.

In the present appeal the limited grievance has been raised that the impugned order has deprived appellant of a substantive hearing under the Act regarding her grievance. After hearing the learned counsel for the appellant we are of the



opinion that the Real Estate Regulatory Authority Act is a beneficial piece of legislation effectuated to address the grievances of allottees and developers. Right of hearing granted under the Act therefore is important and ordinarily should not be left to technicalities that have an effect of depriving redressal of grievances so raised. Besides the Hon'ble Supreme Court and Hon'ble High Court in number of decisions has held that the panacea for condoning such defaults is costs rather than depriving a person of access to the statutory remedies.

Therefore, keeping in view the above we are of the opinion that the impugned order dated 16.05.2023 and the order dismissing the complaint dated 17.01.2023 deserve to be set aside. Ordered accordingly.

The appellant shall put in appearance before the Authority on 23.05.2024, and the Authority shall grant a hearing on the complaint.

The appellant shall deposit a cost of Rs.1,000/- before the RERA.

Disposed of as above.



*Sdt*  
JUSTICE MAHESH GROVER (RETD.)  
CHAIRMAN

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

April 01, 2024  
SR

Certified To Be True Copy

*Shanendra Kumar*  
Registrar  
Real Estate Appellate Tribunal Punjab  
Chandigarh

04/04/2024 *[Signature]*