

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

Subject: -

APPEAL NO.14 of 2024

M/s BCL Homes Ltd., Located at House No.253, Sector 7,
Panchkula, Haryana-134109.

...Appellant

Versus

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

....Respondent

Memo No. R.E.A.T./2024/ 312

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 30th
day of July, 2024.


REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB



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

APPEAL No. 14 OF 2024

M/s BCL Homes Ltd.

....Appellant

Versus

Real Estate Regulatory Authority Punjab

....Respondent



MEMO OF PARTIES

M/s BCL Homes Ltd.

Located at House No. 253, Sector 7, Panchkula, Haryana-134109

...Appellant

Versus

Real Estate Regulatory Authority Punjab

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

...Respondent

Place: Chandigarh

Through Counsel

Date: 17/1/24

Mohit

Pooja

Manisha Maggu

Mohit Dhiman & Pooja & Manisha Maggu

(PH/5981/2021) & (PH/2251/2019) & (PH/3341/2022)

(Advocates)

Counsel for the Appellant

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AT CHANDIGARH

APPEAL NO. 14 OF 2024

M/S BCL HOMES LTD.

VERSUS

REAL ESTATE REGULATORY AUTHORITY, PUNJAB

Present: - Ms. Pooja, Advocate for Mr. Mohit Dhiman, Advocate
for the Appellant

Mr. Prashant Rana, Advocate for the RERA, Punjab

The appellant was developing a project namely M/s BCL Homes. Since it was ongoing project when the RERA Act, came into operation so as per the proviso to Section 3(1) of the Act, the appellant was required to get it registered within 3 months of its coming into operation. However, the promoter/appellant failed to get its project registered, as a result of which Notice under Section 59 of the Act was issued to it on 20.11.2018. Despite this notice the appellant did nothing resulting into the passing of impugned order whereby penalty of Rs.5,00,000/- was imposed upon it i.e. the promoter. Agrieved from the same, this appeal has been filed.

The only point argued by the learned counsel for the appellant is that the promoter earlier filed an application for registration of his project on 23.09.2020, but since the promoter could not get some permissions/NOCs so he withdrew that application and he was given six months time to refile the application for registration of project after getting the necessary NOCs etc, but the impugned order has been passed before the expiry of those six months so the same is bad in law and is required to be set aside.

This contention of learned counsel is without any merit and as such is not acceptable as the withdrawal of application is a



subsequent step which has been taken by him and is independent of his liability to get it registered as per the provisions of the Act itself. The violation on the part of the promoter starts after 3 months of coming into existence of RERA Act, so the act of non-registration do not stand condoned automatically with the filing of the application for registration of the project much after the violation already committed by the promoter. So, no benefit of the Order dated 18.10.2023 passed by the Authority, could be given to the appellant. So finding no merit in this appeal the same is dismissed.

Sd/-
SANJEEV KUMAR GARG, D&S. JUDGE (RETD.)
MEMBER (JUDICIAL)

Sd/-
DR. SIMMI GUPTA, IRS (RETD.)
CHIEF COMMISSIONER OF INCOME TAX (RETD.)
MEMBER (TECH/ADMN.)

JULY 22, 2024
SR

Certified to Be True Copy
Shamund Jaur
Registrar
Real Estate Appellate Tribunal Punjab
Shruti Sharma
30/7/2024

