

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

Subject: -

APPEAL NO. 09 of 2024

M/s Sangrur Builders Private Limited, New Grain Market,
Sangrur, Punjab-148001

...Appellant

Versus

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

....Respondents

Memo No. R.E.A.T./2024/No. 465

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 for uploading the same on website.

Given under my hand and the seal of the Hon'ble Tribunal this 19th
day of December, 2024.

T. Hanant Singh
REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB



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

Appeal No. 09/2024

M/s Sangrur Builders Private Limited

.....Appellant

Versus

Real Estate Regulatory Authority Punjab at Chandigarh

...Respondent

MEMO OF PARTIES

M/s Sangrur Builders Private Limited, New Grain Market, Sangrur, Punjab, 148001

.....Appellant

Versus

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

...Respondent

Place: Chandigarh
Date: 15-12-2023

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

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

APPEAL NO. 09 of 2024

M/s Sangrur Builders Private Limited, New Grain Market,
Sangrur, Punjab-148001

...Appellant

Versus

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

....Respondents



Present: - Mr. Mohit Dhiman, Advocate for appellant.
Mr. Prashant Rana, Advocate for RERA, Punjab

**QUORUM: SH. S.K. GARG DISTT. & SESSIONS JUDGE (RETD.), MEMBER (JUDICIAL)
DR. SIMMI GUPTA, IRS (IT), CHIEF COMMISSIONER OF INCOME TAX (RETD.) MEMBER (TECH./ADMN.)**
JUDGMENT: DR. SIMMI GUPTA, IRS (IT), CHIEF COMMISSIONER OF INCOME TAX (RETD.) MEMBER (TECH./ADMN.) -(ORAL)

1. The order disposes the appeal bearing No.09 of 2024 titled M/s Sangrur Builders Pvt. Ltd. Vs. Real Estate Regulatory Authority, Punjab directed against the impugned order dated 11.08.2023 passed by the Real Estate Regulatory Authority (herein after known as the Authority).
2. The appellant defaulted in furnishing the audited annual account statements for the years 2019-20, 2020-21 & 2021-22 and thus, violated the third proviso to Section 4(2)(1)(D) of the Real Estate Regulation and Development Act, 2016. Notice was issued to him as to why penalty under Section 60 be not imposed which was contested by the appellant but since, no satisfactory explanation was given, the Authority imposed a penalty for default of each year

resulting in cumulative amount of came to Rs.3,00,000/- in the present appeal.

3. For the purposes of the clarity it is mentioned that the present appeal with a penalty of Rs.1,20,000/-, Rs.1,00,000/ and Rs. 75,000/- (totaling Rs.3,00,000/-) was imposed for the years 2019-20, 2020-21 & 2021-22 respectively.
4. Aggrieved thereof the present appeals have been filed with the grievance that the penalty is not only excessive but the order displays arbitrariness as no parameters have been disclosed by the Authority in the impugned order before inflicting such the huge amount of penalty.
5. We have heard learned counsel for the appellant.
6. Clearly the appellant is in default of the statutory provisions by not filing the audited financial statement in time, the default is not singular it is continuous since 2019-20. Plea of ignorance of law as raised by the appellant has to be negated in view of the settled position of law in this regard.
7. Likewise, we are unable to accept the plea of penalty being excessive for the simple reason that the default has been continuous and for a number of years. Even otherwise simply because the appellant perceives a penalty as excessive can be no ground for interference and form 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 case the penalty imposed has been graded as noticed above, and the defaults have been multifarious.



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8. Therefore, we cannot term the reasoning preceding the imposition of penalty to be perverse or so aggravated to warrant an interference.

The appeal is therefore dismissed.



Sd/-

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

Sd/-

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

**December 19, 2024
Shubham Rana**

Certified To Be True Copy

Shubham Rana

Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh

Shubham Rana
19/12/2024