

THE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AT CHANDIGARH

APPEAL NO.50 of 2023

Anjani Kumar, S/O Late Sh. Om Parkash, resident of Chauri Gali,
Budhlada, Distt Mansa, Pb, Pin-151502.

...Appellant

Versus

1. Real Estate Regulatory Authority, Punjab, Chandigarh, Through its Chairman, FF, Block-B, Ploy No.3, Sector-18A, Chandigarh-160018.
2. Unicity Business Centre (Through authorized partners), No.123, FF, Near JP Hospital, Zirakpur, Distt SAS Nagar (Mohali)-140107.
3. Sushil Kumar Bindal, Partner, HN-58, Sector-9, Panchkula-134113.
4. Vinod Goyal, Partner, HN-325, Sector-9, Panchkula-134113.

....Respondents

APPEAL NO.51 of 2023

Monika Rani, W/O Sh. Suresh Kumar, R/O HN-605, Sector-11,
Panchkula-134109.

...Appellant

Versus

1. Real Estate Regulatory Authority, Punjab, Chandigarh, Through its Chairman, FF, Block-B, Ploy No.3, Sector-18A, Chandigarh-160018.
- Unicity Business Centre (Through authorized partners), No.123, FF, Near JP Hospital, Zirakpur, Distt SAS Nagar (Mohali)-140107.
3. Sushil Kumar Bindal, Partner, HN-58, Sector-9, Panchkula-134113.
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....Respondents

APPEAL NO.52 of 2023

Monu Garg, S/O Sh. Surinder Garg, R/O HN-1595, Sector-21,
Panchkula-134109.

...Appellant

Versus

1. Real Estate Regulatory Authority, Punjab, Chandigarh, Through its Chairman, FF, Block-B, Ploy No.3, Sector-18A, Chandigarh-160018.



2. Unicity Business Centre (Through authorized partners), No.123, FF, Near JP Hospital, Zirakpur, Distt SAS Nagar (Mohali)-140107.
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....Respondents

APPEAL NO.54 of 2023

Anjani Kumar, S/O Late Sh. Om Parkash, resident of Chauri Gali, Budhlada, Distt Mansa, Pb, Pin-151502

...Appellant

Versus

1. Real Estate Regulatory Authority, Punjab, Chandigarh, Through its Chairman, FF, Block-B, Ploy No.3, Sector-18A, Chandigarh-160018.
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....Respondents

APPEAL NO.55 of 2023

Monu Garg, S/O Sh. Surinder Garg, R/O HN-1595, Sector-21, Panchkula-134109.



...Appellant

Versus

1. Real Estate Regulatory Authority, Punjab, Chandigarh, Through its Chairman, FF, Block-B, Ploy No.3, Sector-18A, Chandigarh-160018.
2. Unicity Business Centre (Through authorized partners), No.123, FF, Near JP Hospital, Zirakpur, Distt SAS Nagar (Mohali)-140107.
3. Sushil Kumar Bindal, Partner, HN-58, Sector-9, Panchkula-134113.
4. Vinod Goyal, Partner, HN-325, Sector-9, Panchkula-134113.

....Respondents

Memo No. R.E.A.T./2025/48

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 for be uploading the same on website.

Given under my hand and the seal of the Hon'ble Tribunal this 17th day of February, 2025.



Shanoo Jauhar
REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

BEFORE REAL ESTATE APPELLATE TRIBUNLA,
PUNJAB, CHANDIGARH

Appeal No. 50/2023
IN
ADC0210/2021 UR BFTR

Memo of parties

Anjani Kumar, S/O Late Sh. Om Parkash, resident of Chauri Gali,
Bhdhlada, Distt. Mansa, Pb, Pin-151502

---Appellant


VS

1. **Real Estate Regulatory Authority, Punjab, Chandigarh**, Through its Chairman, FF, Block-B, Ploy No.3, Sector-18/A, Chandigarh-160018.
2. **Unicity Business Centre** (Through authorised partners), No.123, FF, Near JP Hospital, Zirakpur, Distt SAS Nagar (Mohali) -140107.
3. **Sushil Kumar Bindal**, Partner, HN-58, Sector-9, Panchkula-134113.
4. **Vinod Goyal**, Partner, HN-325, Sector-9, Panchkula-134113.

--- Respondents



Place: Chandigarh
Dare: 26.09.2023


(Vikas Sheel Verma),
Advocate
Counsel for Appellant

(1)

**BEFORE REAL ESTATE APPELLATE TRIBUNLA,
PUNJAB, CHANDIGARH**

Appeal No. 51 /2023
IN
ADC0211/2021 UR BFTR

Memo of parties

Monika Rani, w/o Sh. Suresh Kumar, R/O HN-605, Sector-11,
Panchkula-134109

---Appellant


VS

1. **Real Estate Regulatory Authority, Punjab, Chandigarh**, Through its Chairman, FF, Block-B, Ploy No.3, Sector-18/A, Chandigarh-160018.
2. **Unicity Business Centre** (Through authorised partners), No.123, FF, Near JP Hospital, Zirakpur, Distt SAS Nagar (Mohali) -140107.
3. **Sushil Kumar Bindal**, Partner, HN-58, Sector-9, Panchkula-134113.
4. **Vinod Goyal**, Partner, HN-325, Sector-9, Panchkula-134113.

--- Respondents



Place: Chandigarh
26.08.2023


(Vikas Sheel Verma)
Advocate

BEFORE REAL ESTATE APPELLATE TRIBUNAL,
PUNJAB, CHANDIGARH

Appeal No. 52 /2023
IN
ADC0212/2021 UR BFTR

Memo of parties

**Monu Garg, S/O Sh. Surinder Garg, R/O HN-1595, Sector-21,
Panchkula-134109**

---Appellant

VS

1. **Real Estate Regulatory Authority, Punjab, Chandigarh**, Through its Chairman, FF, Block-B, Ploy No.3, Sector-18/A, Chandigarh-160018.
2. **Unicity Business Centre** (Through authorised partners), No.123, FF, Near JP Hospital, Zirakpur, Distt SAS Nagar (Mohali) -140107.
3. **Sushil Kumar Bindal**, Partner, HN-58, Sector-9, Panchkula-134113.
4. **Vinod Goyal**, Partner, HN-325, Sector-9, Panchkula-134113.

--- Respondents



Place: Chandigarh
Dare: 26.09.2023

(Vikas Sheel Verma)
Advocate
Counsel for Appellant

①

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

Appeal No. 53 /2023

IN

GCNo.0398/2022 UR

Memo of parties

Monika Rani, W/O Sh. Suresh Kumar, R/O-HN-605, Sector-11,
Panchkula-134109

---Appellant

VS

1. **Real Estate Regulatory Authority, Punjab, Chandigarh**,
Through its Chairman, FF, Block-B, Ploy No.3, Sector-18/A,
Chandigarh-160018.
2. **Unicity Business Centre** (Through authorised partners), No.123,
FF, Near JP Hospital, Zirakpur, Distt SAS Nagar (Mohali) -
140107.
3. **Sushil Kumar Bindal**, Partner, HN-58, Sector-9, Panchkula-
134113.
4. **Vinod Goyal**, Partner, HN-325, Sector-9, Panchkula-134113.

--- Respondents



Place: Chandigarh
Dare: 27.09.2023

(Vikas Sheel Verma)
Advocate
Counsel for Appellant

BEFORE REAL ESTATE APPELLATE TRIBUNAL
PUNJAB, CHANDIGARH

Appeal No. 54 /2023

IN

GCNo.0400/2022 UR

Memo of parties

Anjani Kumar, S/O Late Sh. Om Parkash, R/O-Chauri Gali, Budhlada,
Distt. Mansa, Pb, Pin-151502

---Appellant

VS

1. **Real Estate Regulatory Authority, Punjab, Chandigarh**,
Through its Chairman, FF, Block-B, Ploy No.3, Sector-18/A,
Chandigarh-160018.
2. **Unicity Business Centre** (Through authorised partners), No.123,
FF, Near JP Hospital, Zirakpur, Distt SAS Nagar (Mohali) -
140107.
3. **Sushil Kumar Bindal**, Partner, HN-58, Sector-9, Panchkula-
134113.
Vinod Goyal, Partner, HN-325, Sector-9, Panchkula-134113.

--- Respondents



Place: Chandigarh
Dare: 27.09.2023

(Vikas Sheel Verma)
Advocate
Counsel for Appellant

(1)

**BEFORE REAL ESTATE APPELLATE TRIBUNLA,
PUNJAB, CHANDIGARH**

Appeal No. 55/2023

IN

GCNo.0401/2022 UR

Memo of parties

**Monu Garg, S/O Sh. Surinder Garg, R/O-HN-1595, Sector-11,
Panchkula-134109**

---Appellant

VS

1. **Real Estate Regulatory Authority, Punjab, Chandigarh,**
Through its Chairman, FF, Block-B, Ploy No.3, Sector-18/A,
Chandigarh-160018.
2. **Unicity Business Centre** (Through authorised partners), No.123,
FF, Near JP Hospital, Zirakpur, Distt SAS Nagar (Mohali) -
140107.
3. **Sushil Kumar Bindal, Partner, HN-58, Sector-9, Panchkula-**
134113.
4. **Vinod Goyal, Partner, HN-325, Sector-9, Panchkula-134113.**

--- Respondents



Place: Chandigarh
Date: 27.09.2023

(Vikas Sheel Verma)
Advocate
Counsel for Appellant

THE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AT CHANDIGARH

APPEAL NO.50 of 2023

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....Respondents

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....Respondents

APPEAL NO.52 of 2023

Monu Garg, S/O Sh. Surinder Garg, R/O HN-1595, Sector-21,
Panchkula-134109.

...Appellant

Versus

1. Real Estate Regulatory Authority, Punjab, Chandigarh, Through its Chairman, FF, Block-B, Ploy No.3, Sector-18A, Chandigarh-160018.



APPEAL No.50, 51, 52, 53, 54 and 55 OF 2023

2

2. Unicity Business Centre (Through authorized partners), No.123, FF, Near JP Hospital, Zirakpur, Distt SAS Nagar (Mohali)-140107.
3. Sushil Kumar Bindal, Partner, HN-58, Sector-9, Panchkula-134113.
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....Respondents

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...Appellant

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....Respondents

APPEAL NO.54 of 2023

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...Appellant

Versus

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3. Sushil Kumar Bindal, Partner, HN-58, Sector-9, Panchkula-134113.
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....Respondents

APPEAL NO.55 of 2023



Monu Garg, S/O Sh. Surinder Garg, R/O HN-1595, Sector-21,
Panchkula-134109.

...Appellant

Versus

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4. Vinod Goyal, Partner, HN-325, Sector-9, Panchkula-134113.

....Respondents

Present: - Mr. Vikash Sheel Verma, Advocate for Appellant
Mr. Prashant Rana, Advocate for RERA, Punjab
Mr. Divyadeep Walia, Advocate for Respondent No.3.

**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.)**



1. This Order shall dispose of Appeals No.50, 51, 52, 53, 54 and 55 of 2023 filed by the appellant against Real Estate Regulatory, Authority Punjab and others.
2. The appellant has filed an application for condonation of delay of 545 days in filing the appeal. The reasons given for delay is based upon the history of the case the brief of which is as under:-

Date	Events
17.02.2022	Appellant had filed a complaint for refund against Unicity Business Centre. However, the same was dismissed on the grounds that complaint against unregistered projects was not maintainable.
25.04.2022	The Order by REAT, Punjab in Appeal No.60 of 2022 in the case of "Aman Sethi and Another Versus M/s Dara Buildtech Developers Ltd. holding that RERA should not dismiss the case on the mere ground that the project is not registered.
28.07.2022	The appellant instead of filing Appeal against the earlier Order dated 17.02.2022 filed a fresh complaint seeking refund of the amount on account of non-delivery of the possession.
16.02.2023	RERA dismissed the complaint of the appellant on the ground that the complaint had same facts as the earlier complaint.
20.03.2023	Appellant filed appeal against Order dated 16.02.2023.
10.04.2023	REAT, Punjab dismissed the appeal of the appellant on the basis that there was nothing wrong in the Order of RERA as second complaint was on same grounds and therefore, not maintainable.
16.06.2023	The appellant filed appeal to set aside the order dated 17.02.2022 i.e. the original order.
14.08.2023	Order was issued by the REAT that both the Orders dated 17.07.2022 and 16.02.2023 require a separate challenge. While in this order liberty was granted to the appellant to file a fresh one on same cause of action.
26.09.2023	Appellant file the present appeal.



2. The facts of the case as briefly narrated have been considered. There is no doubt that the appellant kept litigating against wrong order instead of filing appeal against order dated 17.02.2022 vide which the complaint of the appellant for refund of the amount was dismissed on the ground that the complaint has been filed against unregistered project. Instead of filing appeal against order dated 17.02.2022 the complainant was advised to file a fresh complaint seeking refund of the amount and the same was dismissed on 16.02.2023 and the appeal against the same was also dismissed on 10.04.2023. Then the appellant filed two appeals against order dated 17.02.2022 and 16.02.2023. This Tribunal while disposing of the appeals granted liberty to the appellant to file fresh one on the same cause of action and thereafter this appeal was filed on 26.09.2023. Thus, there is a delay of 545 days in filing this appeal. Since, the complainant has been litigating wrongly may be due to the wrong legal advice but the facts remains that the complainants of the complaint were never decided on merits either by the Authority or by this Tribunal. It is the cardinal principle of the law that the Rules of procedures are meant to advance the cause of justice and not to thwart it and that no person should be condemned unheard. In this case the appellant has paid lacs of rupees to the respondent-promoter with the hope of getting the commercial unit but as disclosed by the Parties the project has not been completed till date though the entire sale consideration of Rs.30,80,000/- was



paid to respondents No.2 to 4 in December, 2012. Though there is inordinate delay in filing this appeal but this delay appears to have been caused because of the wrong legal advice given to the appellant. The appellant will not get any benefit by filing this appeal late rather he may loose interest of this delay period, if ultimately he is found successful in his endeavor to get his refund back. It has been held by Supreme Court (in number of the Authorities) that the endeavor of the Court should be to do substantial justice to the parties by disposing of the matters on merits. In these circumstances we have considered the case of the appellant and found it a fit case to condone the delay of 545 days, so that he may get his grievances with respondents decided on merits. For the aforementioned reasons delay in filing the appeal stands condoned.



3. So far as the merits of this case are concerned the Ld. Authority has dismissed the complaint of the complainant only on the ground that it has been filed against an unregistered project. This Tribunal in Appeal No.60 of 2022 titled as Aman Sethi and Others Vs Dara Builders Pvt. Ltd. after considering the judgement of the Hon'ble Supreme Court of India in New Tech Promoters and Developers Pvt. Ltd. Vs. State of U.P. and Others Etc. set aside the similar Order in the case was remanded back after making the following observation:-

"19. The Authority was wrong in saying that no complaint would be maintainable, simply on the

ground of the project being unregistered. It would have to enter upon the complaint, even if it has to arrive at a conclusion of a project being complete or an ongoing one to further conclude about the applicability of the Act. Simply because a project has not been registered, can never form an acceptable reason to deprive an allottee of his statutory right to file a complaint."

ON MERITS:-

1. The complaint of the appellant has also been dismissed on the sole ground that complaints filed under Section 31 of the Act in relation to unregistered projects would not be maintainable.

Keeping in view the order passed in "Aman Sethi and Others Vs Dara Builders Pvt. Ltd. " case the impugned order is liable to be set aside.

3. Consequently, the impugned order is set aside and matter is remanded back to the Authority to decide the same afresh in accordance with law. Parties are directed to appear before the Ld. Authority on **18.03.2025**.
4. This appeal stands disposed of accordingly.



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.)

February 03, 2025
Vishal Sharma

Certified To Be True Copy

Shanender Kumar
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh
Shanender Kumar
17/2/2025