

IN THE REAL ESTATE APPELLATE TRIBUNAL PUNJAB
AT CHANDIGARH

Appeal No. 59 of 2024

MEMO OF PARTIES

Estate officer, Patiala urban Planning and Development
Authority, Urban Estate-II, Patiala, District Patiala.

...Appellant

Versus

1. Jaswinder Singh, F-36, PDA Omaxe City, Patiala,
District Patiala, Punjab.
2. Gurpreet Singh, House No. 454/3, Khalsa Mohalla,
Patiala, District Patiala, Punjab.

...Respondents

Place: Chandigarh
Dated: 16.07.2024

(Bhupinder Singh)
Advocate
Counsel for the appellant



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

Subject: -

APPEAL NO. 59 of 2024

Estate Officer, Patiala Urban Planning and Development Authority, Urban
Estate-II, Patiala, District Patiala.

...Appellant

Versus

1. Jaswinder Singh, F-36, PDA Omaxe City, Patiala, District Patiala, Punjab.
2. Gurpreet Singh, House No.454/3, Khalsa Mohalla, Patiala, District Patiala,
Punjab.

....Respondents

Memo No. R.E.A.T./2025/94



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 26th
day of March, 2025.

REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

THE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AT CHANDIGARH

APPEAL NO. 59 of 2024

1. Estate Officer, Patiala Urban Planning and Development Authority, Urban Estate-II, Patiala, District Patiala

...Appellant

Versus

1. Jaswinder Singh, F-36, PDA Omaxe City, Patiala, District Patiala, Punjab
2. Gurpreet Singh, House No.454/3, Khalsa Mohalla, Patiala, District Patiala, Punjab

....Respondents



Present: - Mr. Bhupinder Singh along with Mr. Balwinder Singh,
Advocate for the Appellant
Mr. J.P. Singla, Advocate for Respondents

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

JUDGMENT: DR.SIMMI GUPTA, IRS (IT), CHIEF COMMISSIONER OF INCOME TAX (RETD.) (ORAL)

FACTS OF THE CASE

The facts of the case are that the Adjudicating Officer allowed a lump sum compensation of Rs.70,000/- on the complaint filed by the Respondent.

ARGUMENTS OF THE APPELLANT

1. The appellant claimed that the facts in this case are as under:-

Dates	Events
2016-2017	PUDA launched a commercial scheme known as PWD (Public Health) Fountain Chowk site scheme.
27.04.2016	Auction of SCO Site No.5

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12.05.2016	Subhash Kapoor and others had filed CWP No. 7956 of 2016 with a prayer to declare the area in question as protected monuments and to preserve it as it is. While issuing notice of motion the Hon'ble Court passed the status quo order with regard to kothi number 11-A situated in the erstwhile Chief Engineer Public Health Office near fountain chowk, Patiala.
19.04.2017/ 01.05.2017	RERA Act came into force and notified. Thus, when the site was auctioned and status quo was granted by Hon'ble High Court, the RERA Act was not in existence.
04.05.2017	A letter was received from Director Office of Directorate of Cultural Affairs, Archaeology and Museums Punjab that old PWD (Public Health) Buildings and surroundings and apparet thereto are under consideration of protection under Section 4(i) under the Ancient Monuments and Archaeology Sites and Remains Act 1964. Thus, not to carry out any type of development activity i.e demolition, construction, reconstruction, alteration, re-alteration and cutting of trees.
23.08.2018	Notification issued by Principal Secretary to Govt of Punjab Department of Tourism and Cultural Affairs declaring old Public health building as protected monument.
19.06.2018	Decision was taken by committee under the chairmanship of Chief Secretary Punjab vide agenda item no.48:12 to refund the earnest money received from auction purchasers.
24.09.2018	The Additional Chief Secretary, Housing and Urban Development decided to refund the entire amount along with cancer cess.
01.10.2018	CWP No.7956 of 2016 was disposed of in view of the notification dated 23.08.2018
01.11.2018	The Estate Officer, PUDA Patiala ordered to refund the amount of Rs.56,54,000/- to the respondent and two cheques bearing No.000353 and 000354 both dated 22.11.2018 issued in the name of Jaswinder Singh and Gurpreet Singh.
02.05.2022	Complaint bearing No.1513 of 2019 filed by the Respondent had been dismissed by the Adjudicating Officer.



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31.05.2022	RERA Authority had allowed the Complaint No.1513 of 2019, in view of M/s Newtech Judgement directing the appellant to pay @9.5% w.e.f. receipt of already refunded amount till the date on which the cheque for refund of the amount was signed by the competent authority on 22.11.2018
02.01.2023	Appeal No.215 of 2022 filed by the Appellant against the order dated 31.05.2022 had been dismissed by this Hon'ble Tribunal.
13.08.2023	Complaint No.Adc 0050 of 2023UR claiming compensation of Rs.5 Lakhs and Rs.2 Lakhs for litigation cost on the same grounds which were taken in Complaint No.1513 of 2019 and had been dismissed by the Adjudicating Officer vide order dated 02.05.2022
21.03.2024	Complaint filed by the Respondent was allowed by the Adjudicating officer directing the Appellant to pay lump sum compensation of Rs.70,000/-



2. The above factsshow that the building was declared a protected monument under Punjab Ancient and Historical Monuments and Archeological Sites and Remains Act, 1964 on 23.08.2018, after which the Developer decided to refund the earnest money received from the allottees as a result of auction, however, the RERA Act came into existence on 19.04.2017 and as on 19.04.2017 the project was an ongoing scheme and the appellant did not register the Project and thus contravened the relevant provisions of the Act. The Adjudicating Officer after consideration of the fact that the complainants had to undergo the process of continued litigation before the Authority as well as this Tribunal and as such have spent lot of time energy and finances on the litigation process thus incurring number of expenses and also undergoing mental agony and harassment entitled the respondent to compensation of Rs.70,000/-. The appellant has filed an appeal against the amount of compensation allowed by the Adjudicating Officer on the basis that they were not at fault in scrapping the project and it was only the factors beyond the control which resulted in the project being scrapped.

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3. We have considered the facts of the case. There is no doubt that the respondent had to suffer lot of mental harassment and undergo the process of prolonged litigation to even get the due interest on the amount which had been paid by him to the PUDA Authority.
4. Keeping in view the fact and the expenses incurred by him, the compensation of Rs.70,000/- allowed by the Adjudicating Officer is not excessive and therefore there is no need to reduce the amount or in any way accept the arguments raised by the Appellant against the compensation awarded by the Adjudicating Officer.

5. The appeal is thus, dismissed and the order of the Authority is upheld. The amount of penalty deposited by the appellant in compliance of Section 43(5) be released to the respondent as per rules.

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.)**

**MARCH 21, 2025
SHUBHAM RANA**

(Certified To Be True Copy)

Shubham Rana
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh

Shubham Rana
26/3/2025