

**BEFORE SHRI BALBIR SINGH, ADJUDICATING OFFICER,
THE REAL ESTATE REGULATORY AUTHORITY, PUNJAB
PLOT NO.3, BLOCK-B, FIRST FLOOR, SECTOR 18A, MADHYA MARG,
CHANDIGARH.**

Complaint No.AdC 1689/2020UR

Date of Decision: 29.03.2022

Ritu Pandey daughter of Shri Bansi Dhar Pandey, resident of House No.A-44, B.E.L.Colony, Sector 14, Panchkula through Ms. Sarita Sharma daughter of late Shri B.D.Sharma, General Power of Attorney, resident of House No.144A, Guru Nanak Enclave, Dhakoli, Zirakpur, SAS Nagar, Punjab.

...Complainant

Versus

M/s Gupta Builders & Promoters Private Limited, SCO No.196-197, Sector 34 A, Chandigarh.

.....Respondents

Complaint under Section 31 of the Real Estate (Regulation and Development) Act 2016.

Present: Mr.Sanjeev Gupta, Advocate for the complainant
Mr.Ankit Kumar, Advocate proxy for Mr. Mohit Kapoor,
Advocate, representative for respondent.

ORDER

1. The present complaint was filed by Ms. Ritu Pandey through General Power of Attorney Ms. Sarita Sharma against M/s Gupta Builders & Promoters Private Limited under Section 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as "the Act") alongwith documents alleging violation of provisions of the Act.

2. The complainant had filed composite complaint for seeking the relief of refund, interest and compensation etc. Vide order dated 11.02.2022, the present complaint was ordered to be segregated and one set of paper-book was ordered to be sent before Hon'ble Regulatory Authority regarding the claim of refund




and interest sought by the complainant and qua relief of compensation case is before this Bench.

3. I have heard the learned authorized representative of the parties on the issue of maintainability of the complaint pertaining to unregistered project namely '**City Central situated at Peer Muchalla, Zirakpur**' and with their assistance have carefully gone through the entire record.

4. It will not be out of place to mention that the controversy regarding maintainability of the complaint in relation to unregistered ongoing project, as per judgment of the Hon'ble Apex Court in **Civil Appeal No.6745-6749 of 2021 titled M/s Newtech Promoters and Developers Pvt. Ltd. Vs. State of UP and others etc.** alongwith connected appeals decided on 11.11.2021 has already been decided by this Bench vide judgment dated 7.2.2022 passed in **Complaint No.0160 of 2021 UR-Bhupender Pal Singh Dhillon Vs. Punjab Urban Planning and Development Authority** holding that the "the present complaint, having been filed under Section 31 of the Act, in relation to the ongoing project which was not got registered would not be maintainable and the same is accordingly dismissed." Copy of the said judgment is being placed on record of this file.

5. In view of the said finding on the same issue by this Bench, the present complaint is also dismissed having been filed against unregistered ongoing project. However, the complainant would be at liberty to file fresh complaint after registration of the project of the case in hand with the RERA, Punjab.

Dated: 29.03.2022


Balbir Singh
Adjudicating Office
Real Estate Regulatory Authority