

**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 0124/2021UR

Dated of Decision: 25.02.2022

Shailesh Jindal son of Shri Yash Paul Jindal, resident of House No.1-A,  
Officer Enclave, Phase-2, Kheri Gujran Road, Patiala-147001.

...Complainant

Versus

Punjab Urban Planning & Development Authority, PUDA Complex, Urban  
Estate, Phase-II, Patiala.

.....Respondent

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

Present: Ms.Manju Goyal, Advocate representative for the complainant.  
Mr.Anuj Kohli, Advocate, representative for respondent.

**ORDER**

1. The present complaint was filed by Mr. Shailesh Jindal against Punjab Urban Planning & Development Authority 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 21.12.2021, 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. The case is pending for furnishing additional document and it has been brought to the notice that the present complaint pertains to the unregistered



project namely '**Fountain Chowk Site, Mall Road, Patiala**'. Thus, the question that arises for determination in the complaint before proceeding further is as under:-

“Whether after the judgment of the Hon'ble Supreme Court of India in the case of **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, complaints filed under Section 31 of the Act in relations to the projects that are not registered with the RERA Authority would be maintainable or not ?”

4. I have heard the learned authorized representative of the parties and with their assistance have carefully gone through the entire record.


5. It would 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.

6. 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: 25.02.2022

  
Balbir Singh  
Adjudicating Office  
Real Estate Regulatory Authority