

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

Complaint No. GC No.0294 of 2021

Date of Institution: 26.07.2021

Dated of Decision: 14.10.2025

1. Sukhdev Choudhary # 44 Tower No.13, Bollywood Height, Peer Muchalla, Zirakpur, District SAS Nagar (Mohali), Punjab
2. Shree Shyam Residency Welfare Association, Peer Muchalla, Zirakpur, District SAS Nagar (Mohali), Punjab
3. Royale Mansions Residence Welfare Association, Peer Muchalla, Zirakpur, District SAS Nagar (Mohali), Punjab
4. Panchkula Heights Residence Welfare Association, Peer Muchalla, Zirakpur, District SAS Nagar (Mohali), Punjab
5. Bollywood Heights-1 Residence Welfare Association Peer Muchalla, Zirakpur, District SAS Nagar (Mohali), Punjab
6. Sukhdev Singh # 404 Tower No.13, Bollywood Height, Peer Muchalla, Zirakpur, District SAS Nagar (Mohali), Punjab
7. Yoginder Kwatra # 52, Hill View Enclave, Post Office, Dhakoli, Zirakpur
8. Ram Parkash # 124, Hill View Enclave, Post Office, Dhakoli, Zirakpur
9. Vinay Kumar # 107 Hill View Enclave, Post Office, Dhakoli, Zirakpur
10. Inder Kumar Sethi # 165 Hill View Enclave, Post Office, Dhakoli, Zirakpur
11. Ishwar Singh Malik # 79, Hill View Enclave, Post Office, Dhakoli, Zirakpur
12. Bollywood Heights II Residence Welfare Association, Peer Muchalla, Zirakpur.

...Complainants

Versus

1. M/s Fortune Multitech Private Limited, SCO 404 2nd Floor, Sector 20, Panchkula, Haryana
2. Sunny Garg son of Ramesh Garg, Director M/s Fortune Multitech Private Limited, SCO 404 2nd Floor, Sector 20, Panchkula, Haryana
3. The Director, Local Government, Punjab, Municipal Bhawan Punjab Dakshin Marg 35-A, Sector 35, Chandigarh
4. Additional Deputy Commissioner Urban Development, District Administrative Complex Sector 76, SAS Nagar (Mohali)
5. Executive Officer, Municipal Council, Zirakpur, District SAS Nagar (Mohali), Punjab.

...Respondents

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

Present: Mr. Mukesh Verma Advocate representative for the
complainants
Mr. Varun Mittal, Advocate representative for the
respondents

ORDER

The present complaint has been filed by the complainants under Section 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the Act) against the respondents.

2. As per the allegations contained in the complaint, respondents no.1 and 2 had fraudulently procured Regularization Certificate showing agricultural land as an unauthorized Colony and later also got their said project registered with the RERA Authority getting registration number for developing a plotted colony where 84 residential units were to be developed. It was all done by the respondents while being in collusion with the authorities under criminal conspiracy and had not only constructed G+3 independent floors with common stairs in-between adjacent plots but also had encroached upon more than 76 feet master plan road out of about 100 feet wide road by including it in their unauthorized colony by raising boundary walls. Their said action had not only created hindrances and nuisance in the free flow of traffic but also disturbed the ecological system of the nearby locality. Complainants being residents/ RWA of nearby locality sent various legal notices to the

authorities bringing difficulties of residents to its notice. Since no action was taken by various authorities in the matter a writ was then filed in the Hon'ble High Court wherein it was advised by the Court telling them to approach RERA first for their grievances as the project was registered with it. Acting upon said advise of the Hon'ble High Court, the writ was withdrawn with the liberty to approach the Real Estate Regulatory Authority. It was also asserted that the whole project was illegal that also adversely and materially affected the properties and rights of people residing in the vicinity of said project that was developed in violation of Section 7(1)(b)/(c) and (d) by the promoters/ respondents. As such complainants seek following reliefs from the authority: -

- i) to cancel the Regularization certificate dated 01.09.2017 as it was based on forgery and fraud;
- ii) to demolish the unauthorized construction raised on the basis of fraudulent regularization certificate dated 01.09.2017;
- iii) to restore 83.4 feet public road meant for the use of cohabitants and public at large by removing the encroachment;
- iv) to restore 5 meters No Construction Zone, as per master plan of Zirakpur;
- v) to register FIR against the promoter company and its director u/Ss 420, 467, 471 and 120-B IPC and to revoke its registration No. PBRERA-SAS79-PRO435.
- vi) Finally, also to issue directions not to advertise and sell and offer for sale, or invite persons to purchase in any manner.

3. Upon notice respondents no.1 and 2 put in appearance and contested the complaint primarily on the grounds of maintainability of the complaint, jurisdiction of RERA and concealment of facts by the complainants. It was then submitted that the answering respondents filed an application in the year 2017 seeking regularization of already developed colony as per the notifications issued by the government of Punjab. Since the respondents fulfilled all the eligibility criteria as specified under the said notification, the regularization certificate was issued by the competent authority on 01.09.2017. Even the site plan was also approved by the competent authority i.e. Municipal Council, Zirakpur and Deputy Director Patiala and senior Town Planning, Patiala. Moreover, the respondent company was not engaged in any construction of the residential houses, but had sold only the plots without construction. Since the all 84 residential plots stood already sold the respondents have been left with no right or interest over the said colony. The allegations regarding encroaching upon the 100' wide road and procurement of forged and fabricated Regularization certificate by the respondents showing the agriculture land as an unauthorized colony were vehemently denied. All other allegations made in the complaint have also been denied being wrong. It was then prayed for dismissal of the complaint.

4. While putting forth the case of complainants, their learned counsel argued that that respondents no.1 and 2 had fraudulently procured Regularization Certificate showing agricultural land as an unauthorized Colony and later also got their said project

registered with the RERA Authority getting its registration number for developing a plotted colony where 84 residential units were to be developed. It was all done by the respondents while being in collusion with the authorities under criminal conspiracy and had not only constructed G+3 independent floors with common stairs in-between adjacent plots but also had encroached upon more than 76 feet master plan road out of about 100 feet wide road by including it in their unauthorized colony by raising boundary walls. Their said action had not only created hindrances and nuisance in the free flow of traffic but also disturbed the ecological system of the nearby locality. Complainants being residents/ RWA of nearby locality sent various legal notices to the authorities bringing difficulties of residents to its notice. Since no action was taken by various authorities in the matter a writ was then filed in the Hon'ble High Court wherein it was advised by the Court telling them to approach RERA first for their grievances as the project was registered with it. Acting upon said advise of the Hon'ble High Court, the writ was withdrawn with the liberty to approach the Authority. It was also contended that whole project was illegal that also adversely and materially affected the properties and rights of people residing in the vicinity of said project that was developed in violation of the provisions of RERA Act.

5. While opposing the above contentions it was vehemently contended on behalf of the respondents that there was hardly any violation of the provisions of the RERA Act. The respondents no.1 and 2 filed an application in the year 2017 seeking regularization of

already developed colony as per the notifications issued by the government of Punjab. Since the respondents fulfilled all the eligibility criteria as specified under the said notification, the regularization certificate was issued by the competent authority on 01.09.2017. Even the site plan was also approved by the competent authority i.e. Municipal Council, Zirakpur and Deputy Director, Patiala and senior Town Planner, Patiala. It was also argued that the respondent company was not engaged in any construction of the residential houses, but had sold only the plots without construction. Since the entire 84 residential plots stood already sold the respondents have no right or interest over the said colony. It was finally contended that the complaint filed by the complainants was liable to be dismissed with heavy cost.

6. Both the parties have been heard patiently through their authorized representatives/ counsel and all their submissions and contentions have been examined and considered.

7. The present complaint has been filed by the complainants u/S 31 of the RERD Act, which speaks as under:

(1) "Any aggrieved person may file a complaint with the Authority or the adjudicating officer, as the case may be, for any violation or contravention of the provisions of this Act or the rules and regulations made thereunder against the promoter, allottee or real estate agent, as the case may be."

8. From the reading of above, it is clear that in order to invoke the jurisdiction of this Authority the complainants are not only

to show themselves to be 'aggrieved persons' but are also supposed to show themselves as 'aggrieved persons' either being 'allottees' or real estate agents or promoters and further that there existed such relationship of the kind mentioned above between them and respondents. Unless such relationship is shown to be there between them there could arise no question of claiming any relief on that account for any violation or contravention of the provisions of the Act or the rules and regulations made thereunder. As is clear from the facts and circumstances asserted, complainants are neither allottees nor real estate agents nor promoters. Besides, there is no transaction taking place between complainants and respondents concerning the sale and purchase of any apartment or unit in the project what to talk of any agreement concerning that or any violation or contravention of any terms and conditions thereof. The complainants have even failed to show as to how they have any locus standi to file a complaint against the promoters as they are neither aggrieved persons as allottees, real estate agents or promoters. Being so, their complaint is not maintainable even. So much so, the reliefs sought for by them in the complaint as well as directions sought to be issued in that regard are beyond the domain of this Authority.

9. As an outcome of above discussion, the complaint is dismissed being not maintainable and beyond jurisdiction of this Authority. Needless to mention here that nothing observed and expressed while deciding the present complaint should be taken as a bar in the way of complainants resorting to any other legal remedy available to them concerning

their grievances. File be consigned to the record room after necessary compliance as per rules.


(Arunvir Vashista)
Member, RERA, Punjab


(Binod Kumar Singh)
Member, RERA, Punjab


(Rakesh Kumar Goyal),
Chairman, RERA, Punjab

Complaint GC No.0294 of 2021

Sukhdev Choudhary & Ors.

Versus

M/s Fortune Multitech Pvt. Ltd. & Ors.

14.10.2025

Present: Mr. Mukesh Verma Advocate representative for the complainants
Mr. Varun Mittal, Advocate representative for the respondents

Vide separate order of even date, the present complainant has been dismissed. A copy of this order be provided to both the parties free of costs. File be consigned to record room after necessary compliance as per rules.


(Arunvir Vashista)
Member, RERA, Punjab


(Binod Kumar Singh)
Member, RERA, Punjab


(Rakesh Kumar Goyal),
Chairman, RERA, Punjab