

**BEFORE SHRI BINOD KUMAR SINGH, MEMBER
REAL ESTATE REGULATORY AUTHORITY, PUNJAB**

Complaint GCNo.0392 of 2022 UR

Date of Institution : 21.07.2022

Date of Decision: 30.10.2025

Navjiwan Kumar Bansal, Flat No.103-B, GHS-111, Sector 20,
Panchkula, Haryana, Pin Code 134117

....Complainant

Versus

M/s Trishla Developers, through its proprietor Ms. Deepti Gupta, #
3109, Sector 32-D, Chandigarh, Pin Code 160030

....Respondent

Complaint in Form 'M' u/S 31 of the Real Estate
(Regulation and Development) Act, 2016, read with
Rule 36 (1) of the Punjab State Real Estate
(Regulation and Development) Rules, 2017.

**(Registration Number: PBRERA-SAS79-
PR0007)**

Present: Shri Sanjay Bansal, Advocate for the complainant
Shri Nanak Singh, Advocate for the respondent

ORDER

Through the instant complaint, complainant seeks refund of the
amount of Rs.4,20,398/- (Rupees four lakhs twenty thousand and three
hundred ninety eight only) along with interest thereon paid to
respondent towards purchase of a Shop.

2. The brief facts submitted by the complainant in his complaint are
that:-

2.1 Complainant had booked a shop of approximately 318 sq.
ft. in the project of TRISHLA'S "LITTLE INDIA" situated at
Peer Muchhalla, Distt. Mohali, Punjab developed by
respondent in the year 2010 against the total sale price of

Rs.6,04,200/- and deposited Rs.75,000/- vide cheque no. 005830 on 27.07.2010 towards booking.

- 2.2 It is submitted that on 23.05.2011 complainant also paid service tax of Rs.3787/- (Annexure C-2) vide cheque no. 008716 and EDC charges of Rs.1,05,894/- (Annexure C-3) vide cheque no. 008729 on 06-07-2011. The complainant deposited Rs.80,000/- (Annexure C-4) in cash on 23.10.2011.
- 2.3 Thereafter complainant and respondent entered into a Buyer's Agreement (Annexure C-5) for the purchase of Shop no. 412 in Trishla's Little India.
- 2.4 Respondent issued allotment letter (without date) (Annexure C-6) allotting Shop No.412 on 4th floor, measuring 318 sq. ft.
- 2.5 It is further submitted that complainant deposited an Installment amount of Rs.1,51,050/- (Annexure C-7) and service tax of Rs.4,667/- (Annexure C-7) on 19.05.2012 through NEFT no. SAA27665430.
- 2.6 Thus, respondent has received a total sum of Rs.4,20,398/- from complainant towards the sale of Shot No.412, 4th Floor, measuring 318 sq. ft.
- 2.7 It is stated that despite receiving the above said amount of Rs.4,20,398/-, respondent has not delivered possession of the shop nor returned the money till date.
- 2.8 Complainant also stated that respondent has mentioned his address as # 264 Trishla Plus Homes, Peer Mushalla, Distt.

Mohali in all correspondences whereas address in Allotment Letter has been mentioned as # 257, Trishla Plus Homes, Peer Mushalla, Distt. Mohali which shows his fraudulent intentions. Respondent has not informed complainant about completion certificate of the project.

2.9 It is also submitted that since neither possession of shop was delivered to him nor his money was refunded, complainant sent a legal notice to respondent on 06.05.2022 (Annexure C-8) however without any response. It is further submitted that project is also not registered with this Authority.

3. Notice was issued to the respondent. Pursuant to notice Shri Nanak Singh, Advocate appeared for the respondent and submitted short reply dated 11.09.2024. It is submitted that the complaint is not maintainable and complainant has no *locus standi* to file the instant complaint. He stressed that project "Trishla Little India" started in the year 2010, had already been completed in year 2015 prior to the commencement of Real Estate (Regulation and Development) Act, 2016. Completion Certificate (Annexure R-1) was issued to the respondent by the Municipal Council, Zirakpur. Thus, this project is exempted from registration with this Authority under Section 3 of the Act of 2016. Counsel for respondent further stated that this Authority has decided the same issue in the matter of "*Kamla Rajput Vs. Trishla Developers*" (GC No.1002 of 2018) and dismissed the same on 11.02.2019. Counsel for the respondent also relied upon the order of the Hon'ble Bombay High Court in judicial pronouncement No.2737 of 2017 dated 06.12.2017 passed in the matter of "*Neelkamal Realtors Suburban Pvt. Ltd. and Others*" wherein it was held that "*the Authority*

concerned would be dealing with the cases coming before it in respect of projects registered under RERA". It is the prayer of the respondent to dismiss the complaint.

4. A rejoinder dated 18.02.2025 was filed by the complainant reiterating the contents of his complaint and controverting the contents of the reply filed by respondent.

5. The undersigned heard the parties on the stipulated date of hearing.

6. It is argued by complainant that the Completion Certificate was issued by MC, Zirakpur on 21.05.2015 and placed by the respondent on record is its scanned copy and is not a genuine and valid document. He sought to produce the original revised copy of the Completion Certificate. During the course of his arguments, counsel for complainant produced a photocopy of English version of completion certificate with the contents "*it will be personal responsibility to submit fire safety certificate at this office from time to time. It will be your personal responsibility to keep the fire fighting equipment and facilities for disabled persons on working condition at all times..... In case of non-compliance with the above conditions, the completion certificate issued by Municipal Council will be cancelled without any notice. Sd/- Executive Officer, MC, Zirakpur*". Counsel for complainant stressed that since respondent has not met with these conditions, so fresh completion certificate needed to be produced by respondent on record as this certificate was issued way back in the year 2015.

7. On the other hand, Counsel for the respondent at the time of arguments, reiterated the contents of his short reply and stated that in view of the issuance of Completion Certificate on 21.05.2015, and the fact that the Act of 2015 was fully promulgated on 01.05.2017 the

project in question was not required to be registered with this Authority and this complaint is not maintainable and be dismissed.

8. The undersigned considered the rival contentions of both the parties and also perused the available record.

9. It is a matter of record that Municipal Council, Zirakpur issued Completion Certificate (Annexure R-1 attached with the reply filed by respondent) in respect of its project "Trishla Little India" developed by M/s Trishla Developers, Peer Muchhalla, Zirakpur, SAS Nagar on 21.05.2015 vide No.1337 in Punjabi. Thereafter vide interim order dated 09.09.2025, counsel for respondent was asked to submit affidavit regarding the Completion Certificate issued by the Competent Authority. Counsel for the respondent submitted duly sworn affidavit of Ms. Deepti Gupta, Proprietor of M/s Trishla Developers in compliance of order dated 09.09.2025 affirming therein that the Completion Certificate dated 21.05.2025 is a genuine, valid and issued for her project in due course by the concerned authority and it is a public document. It is also noteworthy that during the course of arguments, counsel for complainant produced a photocopy of English version of completion certificate.

10. For the sake of convenience Section 3 of the Act of 2016 is reproduced hereunder:-

"3. (1)

2) Notwithstanding anything contained in sub-section (1), no registration of the real estate project shall be required—

(a)

(b) where the promoter has received completion certificate for a real estate project prior to commencement of this Act.." (Emphasis supplied)

11. Counsel for the complainant has not been able to prove that this project is ongoing and required registration. His only objection was that in view of the conditions mentioned in the English version of completion certificate, respondent was required to obtain a completion certificate afresh. However, he was fully aware that this document is a public document and has been issued by the competent authority in due course.

12. As noted above, the respondent obtained the completion certificate on 21.05.2015 and the present complaint was filed on 21.07.2022 and the last payment was made by complainant to the respondent on 19.05.2012. Thus, there is delay of more than 10 years from the date of last payment and more than six years from the date of obtaining the completion certificate in filing the instant complaint.

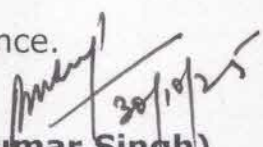
13. During the hearing of proceedings, the counsel for complainant was specifically asked to provide any evidence or occasion to establish that the project under consideration is an ongoing project. The complainant expressed his inability to provide any such evidence.

14. Since the Completion Certificate issued by Municipal Council, Zirakpur dated 21.05.2015, has been issued for the project and there is no document or evidence provided to manifest that it has either been withdrawn or cancelled, the undersigned find no occasion to deny its authenticity. The respondent has further affirmed on affidavit regarding its correctness and genuineness.

15. As a result of the above facts and discussion the complainant is not entitled for the relief as prayed for in this complaint. This complaint

being devoid of merits is held to be not maintainable before this Authority. Accordingly, the complaint is dismissed.

16. File be consigned to record room after due compliance.


(Binod Kumar Singh)
Member, RERA, Punjab

Rera, Punjab