



Real Estate Regulatory Authority, Punjab

First Floor, Block-B, Plot No. 3, Sector-18 A, Madhya Marg, Chandigarh – 160018

Before the Bench of Sh. Rakesh Kumar Goyal, Chairman.

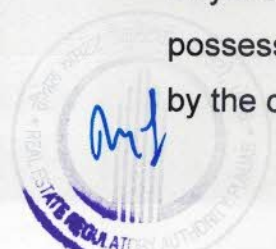
Phone No. 0172-5139800, email id: pschairrera@punjab.gov.in & pachairrera@punjab.gov.in

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| 1. Complaint No. | : - GC No. 0275/2023UR |
| 2. Name & Address of the complainant (s)/ Allottee | : - Sh. Prem Kumar Jain,
House No. 39B, Surat Garia Bazar,
Gali Arora Sunaro Wali, Sirsa, Haryana – 125055. |
| 3. Name & Address of the respondent (s)/ Promoter | : - M/s. Trishla Developers,
through its Proprietor Ms. Deepti Gupta,
#264, Trishla Plus Homes, Peer Mushalla, P.O. Dhakoli,
Distt. Mohali, SAS Nagar – 160104. |
| 4. Date of filing of complaint | : - 09.08.2023 |
| 5. Name of the Project | : - Trishla's Little India |
| 6. RERA Registration No. | : - Unregistered |
| 7. Name of Counsel for the complainant, if any. | : - Sh. Sanjay Bansal, Advocate |
| 8. Name of Counsel for the respondents, if any. | : - Sh. Nanak Singh, Advocate. |
| 9. Section and Rules under which order is passed | : - Section 31 of the RERD Act, 2016 r.w. Rule 36 of
Pb. State RERD Rules, 2017. |
| 10. Date of Order | : - 09.10.2025 |

Order u/s. 31 read with Section 40(1) of Real Estate (Regulation & Development) Act, 2016 read with Rules 16 and 36 of Pb. State Real Estate (Regulation & Development) Rules, 2017.

The present complaint dated 09.08.2023 has been filed by Sh. Prem Kumar Jain (hereinafter referred as the 'Complainant' for the sake of convenience and brevity) u/s. 31 of the Real Estate (Regulation & Development) Act, 2016 (hereinafter referred as the 'RERD Act, 2016' for the sake of convenience and brevity) read with Rule 36 of the Punjab State Real Estate (Regulation & Development) Rules, 2017 (hereinafter referred as the 'Rules' for the sake of convenience and brevity) **seeking relief of refund of Rs.3,73,526/- alongwith interest w.e.f. 23.06.2020 till its realization** before the Real Estate Regulatory Authority, Punjab (hereinafter referred as 'Authority') relating to an *Un-Registered Project* 'Trishla's Little India', Peermushalla, Tehsil Derabassi, Distt. Mohali, Punjab.

2. The brief gist of the complaint, as alleged by the complainant, is that the complainant applied for a shop measuring 307 sq. ft. in the project *Trishla's Little India*, Peer Mushalla, District Mohali, in 2010 for a total sale consideration of ₹5,67,950/-, and out of which the complainant had deposited an amount of ₹3,73,526/- in installments towards booking, external development charges, service tax and part installments, for which receipts and an allotment letter for Shop No. 407 (4th Floor) were issued after execution of the Buyer's Agreement. The complainant entered into Buyer's Agreement on 10.03.2012 with the respondent and the promised date of possession as agreement was fixed 09.03.2014. Further the details of payment made by the complainant are as under:-



14 DETAIL OF PAYMENTS			
SR. No.	DATE OF PAYMENT DEPOSITED / RECEIVED	AMOUNT (RS.)	CASH/CHEQUE (DETAILS)
1	23-06-2010	60,000/-	459398
2	23-06-2010	60,000/-	473439
3	27-05-2011	1,02,231/-	000006
4	27-05-2011	3,533/-	000007
5	19-05-2012	1,43,375/-	454016
6	19-05-2012	4,387/-	454016
7			
TOTAL AMOUNT PAID		Rs. 3,73,526/-	

However, despite receiving a substantial amount, the respondent neither offered possession of the shop nor refunded the deposited sum, failed to provide statutory approvals or completion certificate, gave inconsistent addresses in different documents indicating mala fide intentions, and even after repeated requests and a legal notice dated 06.05.2022, did not refund the amount, due to which the complainant has prayed for refund of ₹3,73,526/- with interest @18% per annum from 23.06.2010 till realization.

3. In response to the complaint, the respondent filed its reply and submits that the present complaint is not maintainable and is liable to be dismissed as the project *Trishla's Little India* was duly completed and granted a completion certificate on 21.05.2015, i.e., prior to the commencement of the Real Estate (Regulation and Development) Act, 2016, and hence exempt from registration under Section 3(2)(b) of the Act; this Hon'ble Authority has already held in *Bikramjit Singh & Ors. vs. TDI Infratech Ltd.* (Complaint No. 3 of 2017) as well as in *Kamla Rajput vs. Trishla Developers* (Complaint No. GC/1002/2018 decided on 11.02.2019) that complaints regarding unregistered projects are not maintainable, which position also stands fortified by the judgment of the Hon'ble Bombay High Court in *Neelkamal Realtors Suburban Pvt. Ltd. & Ors.* (W.P. No. 2737 of 2017), and therefore the complaint deserves dismissal with costs.

4. The violations and contraventions contained in the complaint were given to the representative of the respondents to which they denied and did not plead guilty. The complaint was proceeded for further inquiry.

5. Complainant filed his rejoinder controverting the allegations of the written reply filed by respondents and reiterating the averments of the complaint.

6. That representatives for parties addressed arguments on the basis of their submissions made in their respective pleadings as summarised above. I have

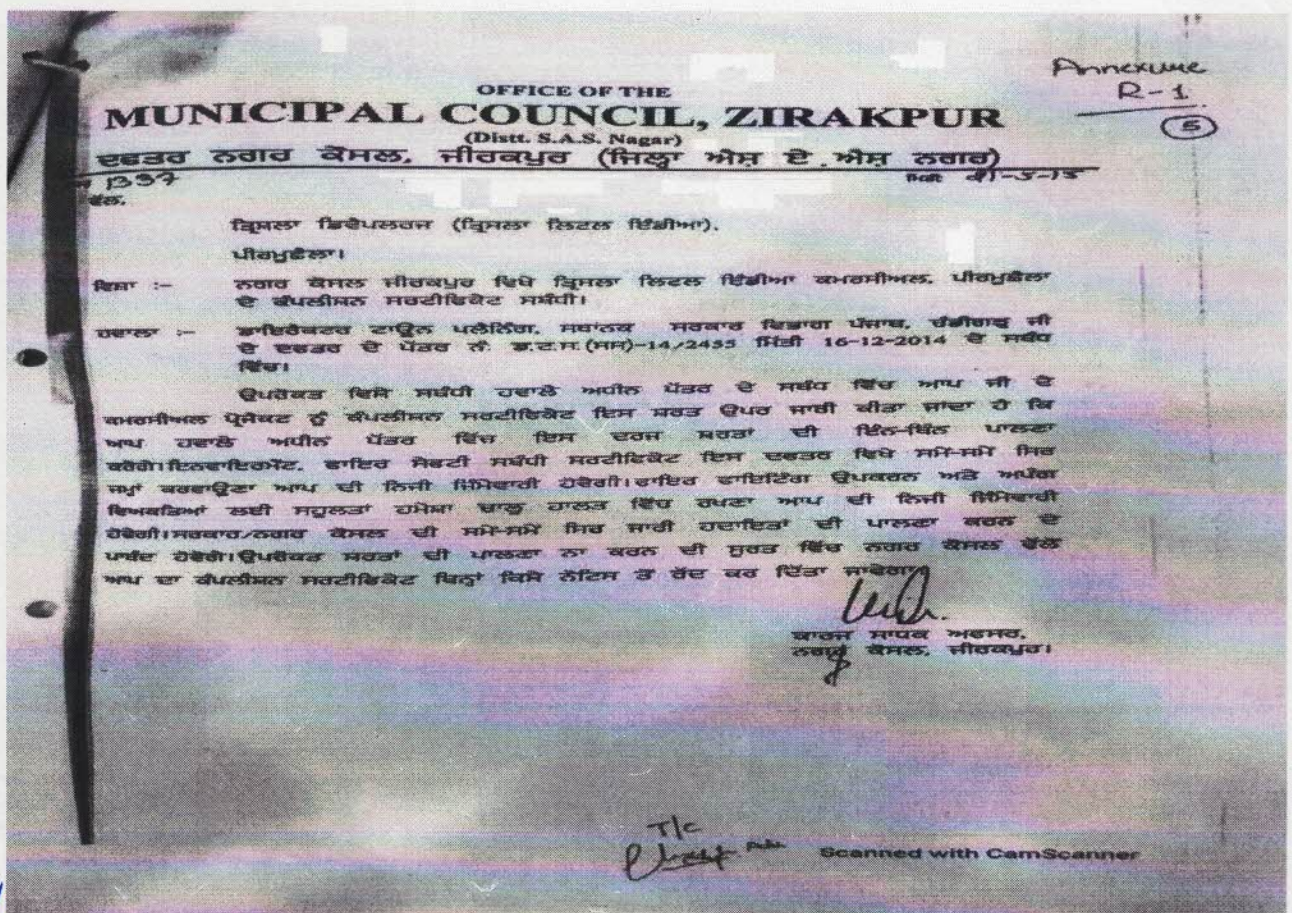


duly considered the documents filed and written & oral submissions of the parties i.e., complainant and respondents.

7. It is an undisputed fact that the complainant had booked a Shop No. 407 (4th Floor) of approximately 307 sq. ft. in the project "Trishla's Little India", Peer Mushalla, Distt. Mohali, Punjab, in 2010. The complainant made payments towards booking, ED charges, service tax, and installments, totaling to Rs. 3,73,526/-. It is further admitted that the respondent issued an Allotment Letter in the name of the complainant for shop no. 407, 4th floor, and that the project was duly completed in 2015. A Completion Certificate for the project was obtained on 21.05.2015 from the competent authority.

8. The complainant contends that despite paying substantial amounts, he has neither received possession of the shop nor been refunded the amounts paid. It is further alleged that the respondent provided inconsistent addresses in the Allotment Letter and correspondence, which the complainant claims is indicative of fraudulent intent. The complainant also contends that the respondent failed to provide necessary approvals from government authorities, did not furnish the Completion Certificate, and did not intend to register the project under the Real Estate (Regulation & Development) Act, 2016. The complainant seeks relief either in the form of possession of the shop or refund of amounts paid.

9. The respondent submits that all allegations made by the complainant are denied. The project was initiated in 2010 and duly completed in 2015, with a Completion Certificate obtained on 21.05.2015. For ready reference copy of the Completion Certificate is as under:-



9.1. In terms of Section 3(2)(b) of the Real Estate (Regulation & Development) Act, 2016, projects for which a Completion Certificate has been issued prior to the commencement of the Act are exempt from registration. Therefore, the present project is exempt from the provisions of RERA, and complaints relating thereto cannot be entertained. It is settled law and consistent practice of this Hon'ble Authority that complaints concerning unregistered or completed projects are not maintainable. In *Kamla Rajput vs. Trishla Developers* (Complaint No. GC/1002/2018), this Authority held that complaints concerning unregistered projects are not maintainable, and the same principle applies in the present case.

10. On a careful consideration of the facts, it is noted that the complainant made payments over the period 2010–2012 and did not raise any grievance for over a decade. This prolonged delay indicates acquiescence and undermines the complainant's claim of urgency. The complainant's silence from 2012 until 2023, despite the alleged non-possession or non-refund, strongly suggests that the grievance is belated and lacks *bona-fides*. Moreover, the respondent has produced documentary evidence of the Completion Certificate and the Allotment Letter, establishing that the project was duly completed and the statutory requirements under the applicable law were fulfilled. Law of limitation does not apply *ipso facto* for the proceedings under RERA Act, 2016 but the long delay in not including action vitiates the Rights of the complainant.

11. In addition, the provisions of Section 3(2)(b) explicitly exempt projects that have obtained a Completion Certificate before the commencement of the RERA Act, 2016 from registration. The purpose of this provision is to ensure that only ongoing or uncompleted projects fall within the regulatory ambit of the Authority. Since the Completion Certificate in this case was issued in 2015, prior to the enforcement of the Act, the Authority does not have jurisdiction to entertain the present complaint. Judicial pronouncements and earlier orders of this Authority have consistently held that complaints concerning completed are not maintainable vide *Kamla Rajput vs. Trishla Developers* (Complaint No. GC/1002/2018). For ready reference, relevant extract of the above order is reproduced hereunder:-

"4. The perusal of the file shows that completion certificate has been issued qua Trishla Little India commercial colony Peer Muchhalla on 21.05.2015 and further copy of possession certificate dated 04.02.2016 indicates that possession of the shop in dispute bearing No.463 in the above colony has been delivered to the complainant and this fact is fortified from the affidavit cum declaration of the complainant on the file. The version of the respondent that the project qua commercial colony did not require registration as completion certificate has already been issued in the year 2015 has not been disputed by the complainant side. It could also not be disputed that the registration Number mentioned in the complaint pertains to a residential colony. In this manner, it has come on record that the project to which this complaint relates is not registered with this Authority.

5. This Authority has held in Complaint No. 3 of 2017- titled **Bikramjit Singh and others (supra)**, decided on 13/12/2017 that the complaint



would not be maintainable in relation to the projects which are not registered with this Authority. This decision was further followed in the subsequent cases also. The Hon'ble Bombay High Court has further held in Judicial Pronouncement No. 2737 of 2017 dated 06/12/2017 in case of **Neelkamal Realtors Suburban Pvt. Ltd and others** that "the Authority concerned would be dealing with the cases coming before it in respect of projects registered under RERA". I have touched several points like maintainability etc. in my detailed orders passed in the capacity of Adjudicating Officer (being additional charge), in complaint cases titled as **Suman Mann and another Vs. JLPL and Nikhil Kawatra and another Vs. JLPL decided on 14.05.2018** and therefore at this stage I do not deem it appropriate to reproduce those points, which had been taken for consideration, to avoid the length of the order. Thus, in view of the totality of the above mentioned circumstances, I am of the view that the project, to which, this complaint relates is not registered one. Therefore, this complaint is not maintainable at this stage and the same is accordingly dismissed. However, it is admitted case of both the parties that the conveyance deed has not so far been executed in favour of the complainant. As such, the complainant may get the sale deed executed in consultation with the respondent under law and the respondent shall be bound to get the sale deed executed qua the shop in question in favour of the complainant. A copy of the order be sent to the parties under rules and also for compliance. The complaint file be consigned to the record room after due compilation."

The respondent has obtained the completion certificate and has offered possession before the allottee-cum-complainant could exercise the right of refund due to late possession. Once the due possession has been offered, the complainant-cum-allottee cannot refuse the possession after the offer. Therefore, in this case as per the facts it is felt that possession was offered before the complainant exercised its right of refund. Therefore, the present complaint suffers from a fundamental legal defect and is liable to be dismissed.

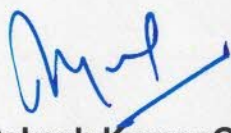
12. In view of the above, the findings of this Bench that the complaint filed by the complainant is not maintainable under the provisions of the Real Estate (Regulation & Development) Act, 2016. The complainant has failed to demonstrate any jurisdictional or legal basis for the Authority to intervene. Further, the inordinate delay of more than a decade in filing the complaint reinforces the lack of urgency and bona fides of the grievance. Consequently, the complaint is dismissed.

13. In conclusion, the present complaint is **dismissed as not maintainable** under the Real Estate (Regulation & Development) Act, 2016.

14. A copy of this order be supplied to both the parties under Rules and file be consigned to record room.

Chandigarh
Dated: 09.10.2025




(Rakesh Kumar Goyal),
Chairman,
RERA, Punjab.

A copy of the above order may be sent by the Registry of this Authority to the followings:-

1. Sh. Prem Kumar Jain, House No. 39B, Surat Garia Bazar, Gali Arora Sunaro Wali, Sirsa, Haryana – 125055.
2. M/s. Trishla Developers, through its Proprietor Ms. Deepti Gupta, #264, Trishla Plus Homes, Peer Mushalla, P.O. Dhakoli, Distt. Mohali, SAS Nagar – 160104.
3. The Secretary, RERA, Punjab.
4. Director (Legal), RERA, Punjab.
5. The Complaint File.
6. The Master File.




(Sawan Kumar),
P.A. to Chairman,
RERA, Punjab.