



## Real Estate Regulatory Authority, Punjab

First Floor, Block-B, Plot No. 3, Sector-18 A, Madhya Marg, Chandigarh – 160018  
Phone No. 0172-5139800, email id: [pschairrera@punjab.gov.in](mailto:pschairrera@punjab.gov.in) & [pachairrera@punjab.gov.in](mailto:pachairrera@punjab.gov.in)

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

1. **Complaint No.** :- GC No. 0394/2022UR
2. **Name & Address of the complainant (s)/ Allottee** :- Sh. Davinder Nirmal  
Flat No. 204, Block E-2, GH-79, Sector-20,  
Panchkula, Haryana - 134117
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** :- 23.07.2022
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** :- 27.02.2026

**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.4,71,819/- alongwith interest w.e.f. 23.05.2011 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 in the year 2010, the complainant applied for allotment of a shop admeasuring approximately 310 sq. ft. in the project "TRISHLA'S LITTLE INDIA" situated at Peer Mushalla, District Mohali, Punjab, for a total sale consideration of Rs.5,73,500/-. The payment details of as submitted by the complainant is as under:-

14 DETAIL OF PAYMENTS			
SR. NO.	DATE OF PAYMENT DEPOSITED/ RECEIVED	AMOUNT (RS.)	CASH/CHEQUE (DETAILS)
1	23-05-2011	1,03,230/-	Receipt No. 1161
2	23-05-2011	3,589/-	048222
3	23-00-2011	1,40,000/-	Cash/Receipt No. 1627
4	12-05-2012	1,50,000/-	Cheque No. - 011542
5	12-05-2012	75,000/-	Cheque No. - 005830
6			
7			
<b>TOTAL AMOUNT PAID</b>		<b>Rs. 4,71,819/-</b>	



It is averred that out of the total sale consideration of Rs.5,73,500/-, the complainant has deposited a sum of Rs.4,71,819/- with the respondent towards the price of the said shop. It is further pleaded that a Buyer's Agreement was executed on 10.03.2012 and an Allotment Letter was issued in respect of Shop No. S-411, 4<sup>th</sup> Floor, in the said project; however, despite receipt of substantial payment, the respondent neither delivered possession of the shop nor refunded the deposited amount. The complainant has alleged that the respondent issued an undated allotment letter, mentioned different addresses in correspondence and in the allotment letter, failed to supply necessary approvals and completion certificate of the project, and never informed the complainant about readiness of possession. It is further averred that even after service of legal notice dated 23.05.2022, the respondent failed to redress the grievance. Accordingly, the complainant has sought refund of Rs.4,71,819/- along with interest @ 18% per annum from 23.05.2011 till realization and litigation expenses.

3. In response to the complaint, the respondent filed its reply and submitted 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. The respondent submits that the complaint is not maintainable because the project was completed before the RERA Act, 2016 came into force and was not required to be registered. This Authority has already taken the same view in **Bikramjit Singh & Ors. vs. TDI Infratech Ltd.** and **Kamla Rajput vs. Trishla Developers**, which is also supported by the decision of the Neelkamal Realtors Suburban Pvt. Ltd. & Ors. of the Bombay High Court. 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.

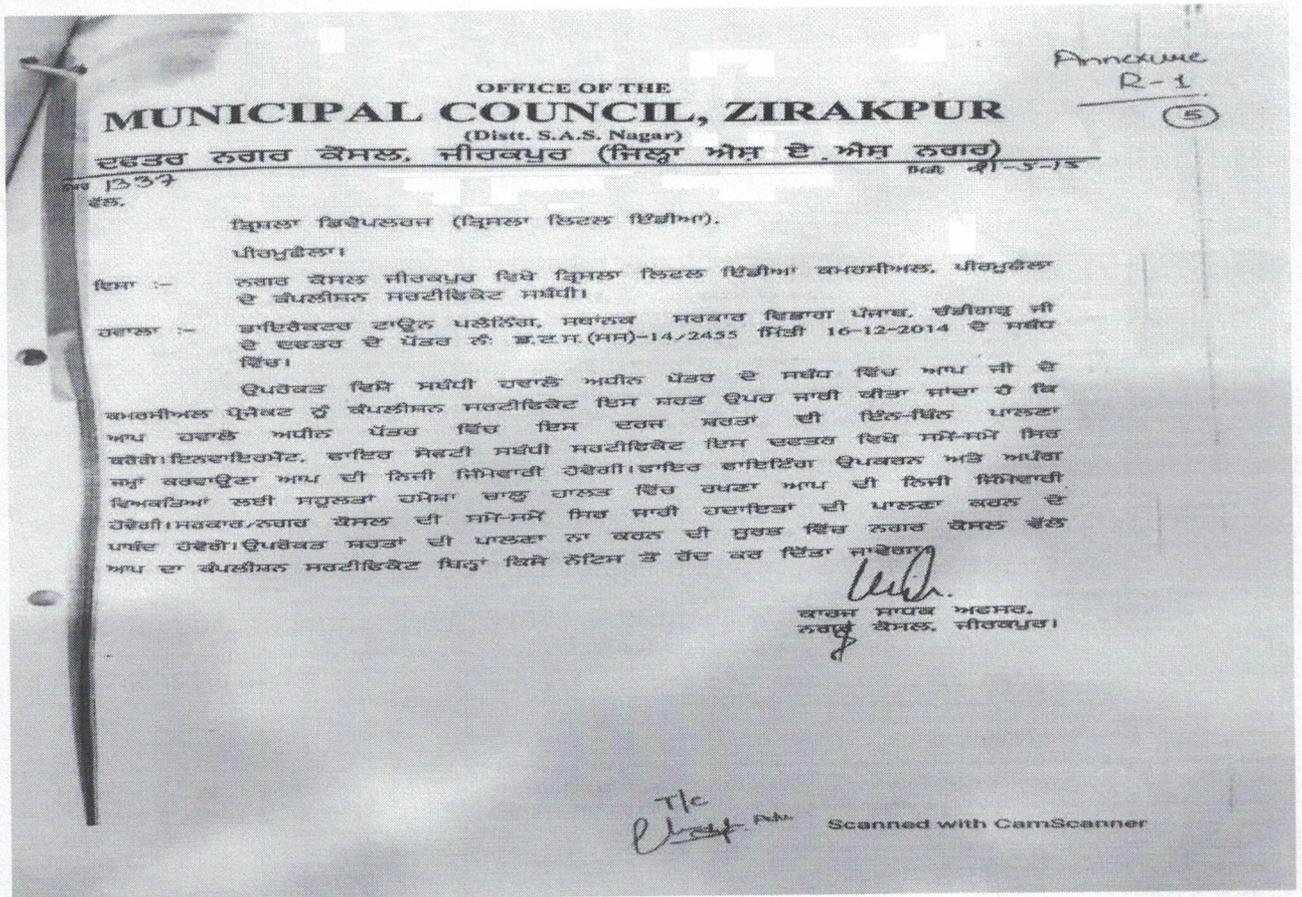
7. From the pleadings of the parties, the following facts emerge as undisputed: that the complainant applied in the year 2010 for allotment of a shop admeasuring approximately 310 sq. ft. in the project "Trishla's Little India" situated at Peer Mushalla, District Mohali, Punjab, for a total sale consideration of Rs.5,73,500/-; that a Buyer's Agreement dated 10.03.2012 was executed between the parties and an Allotment Letter was issued in respect of Shop No. S-411, 4<sup>th</sup> Floor, in the said project;



that the complainant deposited a sum of Rs.4,71,819/- with the respondent towards the sale consideration of the said unit; and that the project was granted a Completion Certificate on 21.05.2015, prior to the commencement of the Real Estate (Regulation and Development) Act, 2016.

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: -



10. On a careful consideration of the facts, it is noted that the complainant made payments over the period 2011–2012 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 May, 2012 until 2022, despite the alleged non-possession or non-refund, suggests that the grievance is belated and lacks bona-fides. Moreover, the respondent has produced documentary evidence of the Completion Certificate in the year 2015 and the Allotment Letter, establishing that the



project was duly completed and the statutory requirements under the applicable law were fulfilled.

11. It is further noted that the respondent obtained the Completion Certificate and offered possession prior to the allottee-cum-complainant exercising the right of refund on account of alleged delay in possession. Once possession has been duly offered after completion, the allottee cannot refuse to accept the same and simultaneously seek refund. In the present case, possession was offered before the complainant sought refund; therefore, the complaint suffers from a fundamental legal infirmity and is liable to be dismissed. A similar matter arising out of the same cause of action had also been adjudicated by this Bench of the Authority vide **GC No. 0275/2023UR titled Prem Kumar Jain vs. Trishla Developers**, wherein the issues involved were considered and decided in detail.

12. In view of the foregoing discussion, this Bench holds that the present complaint is not maintainable under the provisions of the Real Estate (Regulation and Development) Act, 2016. The complainant has failed to establish any jurisdictional or legal ground warranting intervention by this Authority. The inordinate delay of more than a decade in approaching this Authority further reinforces the absence of urgency and *bona-fides*.

13. In conclusion, the present complaint is **dismissed** 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: 27.02.2026



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

Endst. No./CP/RERA/PB/PA/Sec.31/405-410

Dated:- 27/02/2026

A copy of this order is hereby forwarded to the following for their information and necessary action:-

1. Sh. Davinder Nirmal, Flat No. 204, Block E-2, GH-79, Sector-20, Panchkula, Haryana - 134117
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.