

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

Complaint No.0326 of 2024
Date of Institution : 07.09.2024
Date of Decision: 11.02.2026

1. Vishva Gupta
 2. Rita Gupta
- Both residents of J2/102, Maya Garden, Phase-3, VIP Road, Zirakpur, SAS Nagar (Mohali), Punjab-140603

....Complainants

Versus

1. Barnala Builder and Property Consultants, Maya Garden Magnesia Opp. McDonald, NH22, Chandigarh Ambala Highway, Zirakpur, SAS Nagar (Mohali), Punjab-140603
2. Satish Jindal, Managing Director, Maya Garden Magnesia Opp. McDonald, NH22, Chandigarh Ambala Highway, Zirakpur, SAS Nagar (Mohali), Punjab-140603

....Respondents

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-PR0224)

Present: Shri Vishva Gupta, complainant no.1 in person
Ms. Kirti Sandhu, Advocate for respondent

ORDER

Through the instant complaint, complainants seek the following reliefs to the respondent/promoter:

- i. to rectify the defects, obtain the necessary certificates, and provide the promised amenities and ensure compliance of Sections 11(4), 12 and 14 of the Act of 2016.
- ii. to order publication against the builder to protect other homebuyers as builder is issuing allotment/handing over the project without completion certificate.

iii. to penalise builder for not seeking Completion/ Occupancy Certificate, after expiry of eight years and also project of Builder categorised in expired category.

2. The brief facts of the complaint are as under: -

2.1 It is averred that as per Section 11(4)(b) of the Act of 2016 builder failed to obtain a Completion/Occupancy Certificate and make it available to the allottees/association of allottees.

2.2 It is contended that under Section 14(3) of the Act of 2016, the builder/ promoter is responsible for rectifying structural defects or any other defect in workmanship, quality, or provision of services as per the agreement for sale, within five years from the date of possession, without any further charge. It is alleged that builder abandoned the project within 3 years without complying with guidelines mentioned under Sections 11(4), 12, and 14 of the Act of 2016.

2.3 It is also contended that builder failed to provide promised facilities such as DG set, drinking water from the MC, emergency rescue dividers in lifts, intercom, kids play area etc.

3. Details of the opportunities allowed by the bench are as under:

DATE OF HEARING	Complainant	Respondents	Remaks
14.10.2024	None	None	Next date for appearance and filing of reply is 20.11.2024
20.11.2024	-	-	Case re-assigned on 20.11.2024 to this bench, matter rescheduled for 19.12.2024

19.12.2024	Complainant in person appeared	Proxy counsel for the respondent appeared and sought more time to file the reply	Next date for filing of reply is 24.01.2025
24.01.2025	None for the complainant	Proxy counsel for the respondent appeared and sought more time to file the reply, directed to submit copy of application filed for obtaining Occupation Certificate/Completion Certificate	Next date for filing of reply is 13.03.2025
13.03.2025	Complainant in person appeared	Proxy counsel for the respondent appeared and sought short adjournment to file the reply	Next date for filing of reply is 27.03.2025
27.03.2025	Complainant in person appeared	Ms Keerti Sandhu, advocate for the respondent, directed to obtain Completion Certificate as soon as possible after completing all the necessary rule and regulations.	Next date for further proceeding is 17.04.2025
17.04.2025	None	None	Next date for filing of further proceeding is 05.06.2025
05.06.2025	Sh T.K.Gupta, Authorised Representative of the complainant	Email received from counsel of the respondent, for adjournment	Next date for further proceeding is 05.06.2025
05.06.2025	Complainant in person appeared	Proxy counsel for the respondent appeared, directed to provide reasons of not obtaining the Occupation Certificate/Completion Certificate	Next date for arguments is 18.07.2025
18.07.2025	Complainant in person appeared	None, email received from the counsel of the respondent stating that he has yet to receive instructions, requested for adjournment.	Case adjournment to 11.09.2025 for arguments
11.09.2025	Sh Tapish Gupta, Advocate for	Sh Prabhjot Kaur, proxy counsel appeared, asked to	Next date for further

	the complainant	provide the details of Occupancy Certificate as asked vide hearing dated 10.07.2025	proceeding is 06.11.2025
06.11.2025	Complainant in person appeared	Ms Kriti Sandhu, Advocate, for the respondent appeared and stated that she does not have any instruction regarding the Occupancy Certificate of the project in question from the respondent.	Arguments of both parties heard. Matter is reserved for order.

It is noteworthy that since the re-assigning of this case to this Bench on 20.11.2024 till the date of reserving the order, neither reply to the complaint was filed nor the compliance noted in various interim orders have been made by the respondent.

3. The undersigned considered the records available and pleading of the complainant along with documents annexed by both the parties.

4. Vide dated 23.08.2012, an allotment issued in favor of Sh Vishva Bandhu Gupta and Mrs Rita Gupta for allotment of apartment no. 102, block/tower -3J2, category-A, floor-Ist, Maya Garden Phase III, VIP Road, Zirakpur, Distt Mohali, Punjab having total super area 1940 Sq Ft for Rs.38,00,000/- by M/s Barnala Builders and property Consultants and possession will be handover by October,2013. Vide letter dated 05.01.2014, possession has been offered by the respondent. Registry of the unit has also been executed on 21.03.2014. During the proceeding, counsel of the respondent was asked to submit the copy of application filed for obtaining Occupancy certificate/ Completion certificate, if any and in case Occupancy certificate/Completion certificate has already obtained, be given to RWA, since the possession have already been given to the allottees. Despite various opportunities, respondents failed to furnished the requisite documents. Thereafter, registry of the Authority directed to furnish the information that

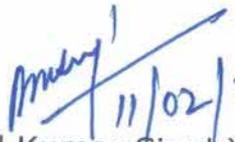
whether the respondent/promoter has presented Occupancy Certificate /Completion Certificate / Partial Completion Certificate to the authority. Registry of this Authority informed that a letter issued by Executive officer, Municipal Committee, Zirakpur had been submitted by the respondent. Wherein it was stated that as per instruction no.2591 dated 22.09.2014, respondent's request for completion of project namely 'Maya Garden, phase-3, group housing scheme' has been sent for technical recommendation and will be informed after receiving the recommendation from the government. Till date completion certificate had not been submitted by the respondent.

5. As a net result of the above discussion, this complaint is accordingly partly allowed and respondents are directed to:

5.1 The respondent/promoter directed to obtain the occupancy certificate from the competent authority after obtaining all clearance.

5.2 Further, RERA authority's order and judgement are already available on the web site of RERA Punjab for public view, hence no cognizance is taken on the prayer of the complainant on the issue of publication the order.

6. File be consigned to the record room after due compliance.


11/02/26
(Binod Kumar Singh)
Member, RERA, Punjab