

BEFORE THE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB
SAS NAGAR (MOHALI)

Appeal No. 06 of 2018

Brinder Singh s/o Nachhattar Singh, Hamilton Brook, London Road
Sunningdale, Ascot, Berkshire, SL5, (9RY, England.

Jagjit Singh w/o Brinder Singh, Hamilton Brook, London Road
Sunningdale, Ascot, Berkshire, SL5, (9RY, England.

....Appellants

Versus.

EMAAR M.G.F. LAND PVT. LTD., ECE House, 28, Kasturba
Gandhi Marg, New Delhi-110001., (40 Ground Floor, Central Plaza
Sector-105, Mohali-160062).

.....Respondent

QUORUM: JUSTICE RAJIVE BHALLA, (RETD), CHAIRMAN

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Present: Sh. Gaurav Chopra Advocate along with Ms.
Kashika Kaur Advocate for the appellants.
Sh. Aashish Chopra Advocate along with Ms.
Sumiti Arora Advocate for the respondents.
Sh. G.P.S. Baweja, Registrar o/o the Real Estate of
Regulatory Authority.

JUDGMENT: (*Rajive Bhalla (J) (Retd)*, The Chairman:

The dispute in the present case relates to the legality of
order dated 5.4.2018, passed by the Adjudication Officer, Real Estate
Regulatory Authority, Punjab.

The petition for compensation has been dismissed on the ground that the tower concerned has been granted a partial completion certificate thereby ousting the right of applicant to pray for and the power of the Adjudicating Officer to award, compensation. Both parties and their counsel agree that a partial completion certificate was issued regarding Tower 'K' in August, 2017, and the entire project including Tower 'K' was registered on 26 September, 2017.

Counsel for the parties also agree that subject to any other legal rights and impediments regarding maintainability, the application for compensation would depend upon registration of the project and would exclude projects or parts of projects that have been issued partial completion certificates/completion certificates.

As already recorded the application for compensation, filed by the applicant has been dismissed on the ground that a partial completion certificate has been issued but without holding that the project, including the tower for which partial completion has been issued stood registered. The later fact would require reconsideration of the matter.

Counsel for the parties agree that in view of the aforesaid fact the appeal may be allowed, the impugned order may be set aside and the matter may be reemitted to the Adjudication Officer, Real Estate Regulatory Authority to decide the matter afresh after considering facts recorded in the preceding paragraphs. This order

shall not prohibit the respondents from approaching the Real Estate Regulatory Authority to seek amendment of the Registration Certificate in accordance with the respondents plea that as a partial completion certificate stood issued Tower 'K' could not be registered. It is also made clear that in case the Registration Certificate is modified i.e. Tower 'K' is exempted from registration, the respondents would be at liberty to raise this plea before the Adjudication Officer.

This order shall not be construed to be an expression of opinion on the merits of the case.

Parties are directed to appear before the Adjudication Officer, Real Estate Regulatory Authority, Mohali, Punjab on 14.8.2018. The appellant is directed to deposit Rs. 1000/- in the account of Real Estate Appellate Tribunal within fifteen days.

July 30, 2018


JUSTICE RAJIVE BHALLA (RETD.)
CHAIRMAN