

**REAL ESTATE APPELLATE TRIBUNAL, PUNJAB,
SAS NAGAR (MOHALI)**

Subject: -

Appeal No. 129 of 2019

M/s Hi Tech Land Developers and Builders, 4th Floor, Surya Tower,
Khanna, District Ludhiana through its partner-Sanjay Ghai.

....Appellant

Versus

Real Estate Regulatory Authority, Punjab through its Secretary, First
Floor, Block-B, Plot No.3, Sector-18A, (Near Govt. Press UT), Madhya
Marg, Chandigarh. 160018.

....Respondent

To,

**REAL ESTATE REGULATORY AUTHORITY, PUNJAB 1ST
FLOOR, BLOCK B, PLOT NO.3, MADHYA MARG,
SECTOR-18, CHANDIGARH-160018.**

Whereas appeal titled and numbered as above was filed before
the Real Estate Appellate Tribunal, Punjab. As required by Section 44
(4) of the Real Estate (Regulation and Development) Act, 2016, a
certified copy of the order passed in the aforesaid appeal is being
forwarded to you and the same may be uploaded on website.

Given under my hand and the seal of the Hon'ble Tribunal this
17th day of July, 2020.


REGISTRAR

**REAL ESTATE APPELLATE
TRIBUNAL, PUNJAB**

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Real Estate Regulatory Authority, Punjab through its Secretary, First Floor, Block-B, Plot No.3, Sector-18A, (Near Govt. Press UT), Madhya Marg, Chandigarh. 160018.

....Respondent

Present: Mr. Kshitij Sharma, Advocate for the appellant.
Mr. Mohammad Sartaj, Additional Legal Adviser
o/o the Real Estate Regulatory Authority, Punjab.

QUORUM: JUSTICE MAHESH GROVER (RETD.), CHAIRMAN
ER. ASHOK KUMAR GARG, C.E. (RETD.), MEMBER
(ADMINISTRATIVE/TECHNICAL)
SH. S.K GARG DISTRICT AND SESSIONS JUDGE
(RETD.), MEMBER, (JUDICIAL)

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JUDGMENT: (Mahesh Grover (J) (Retd)

1. The only ground urged before us while assailing the impugned order is that the appellant has enough explanation to offer for non-registration of the project but could not place his case before the Real Estate Regulatory Authority, Punjab on account of his own default in appearance.

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2. Strangely, no sufficient reasons are forthcoming for the default. The impugned order itself notices the default in appearance in extenso.

3. There would thus hardly be any justification for interfering with the impugned order, considering the unexplained lapse of the appellant in associating himself with the proceedings before the Authority.

4. It is then urged before us that due to the prevailing situation, the appellant is facing financial stringency and hence if an opportunity is granted to him subject to the terms that the Tribunal may impose, it is possible that the appellant may be able to persuade the authority to take a contrary view to the one taken in the impugned order. It is urged before us that the appellant has material that may support him in his plea before the Authority, in case an opportunity is granted.

5. The prayer is opposed by the learned counsel for the respondent who has also placed reliance on "*Real Estate Regulatory Authority, Punjab Versus M/s Vikas House Building Co. Pvt. Ltd.*"



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6. After hearing the learned counsel for the parties and in order to secure equitable justice, we are of the opinion that in case the appellant deposits 50% of the penalty imposed vide impugned order dated 30.10.2019 within a period of ten days from today before the Authority, he be provided with one solitary opportunity to place his case before it. In this eventuality i.e. deposit of 50% of the penalty imposed, he be granted a fresh hearing by the Authority.

7. We request the Authority to dispose of the matter on 30.07.2020.

8. Since, the order has been pronounced in the presence of the parties, no formal notice would be issued by the Authority to the affected parties.

9. If for some reason the Authority cannot meet on that day it shall make an endeavour to conclude the proceedings positively in the first week of August.

10. In case the amount is not deposited as directed, the impugned order shall stand revived immediately after expiry of the period granted for depositing the amount.



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11. It is made clear that this order shall not form a precedent and no expression on merits has been ~~expressed~~ ^{made}.
12. Appeal stands disposed of.

Sd/-

JUSTICE MAHESH GROVER (RETD.)

CHAIRMAN

Sd/-

S.K. GARG, D & S. JUDGE (RETD.)
MEMBER (JUDICIAL)

Sd/-

ER. ASHOK KUMAR GARG, C.E. (RETD.)
MEMBER (ADMINISTRATIVE/ TECHNICAL)

13.07. 2020

AN

Certified To Be True Copy

Sunabejan
 Registrar
 Real Estate Appellate Tribunal Punjab
 Chandigarh

17/7/2020