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BEFORE THE REAL ESTATE APPELLATE TRIBUNAL PUNJAB AT CHANDIGARH

Appeal No. 29 of 2021

Karanpreet Singh Sandhu

vs

M/s Future City Developers

Memo of Parties

Karanpreet Singh Sandhu s/o Daljeet Singh Sandhu r/o B-4, Casa Homes, Sector 115, Kharar- Landran Road, SAS Nagar through his power of attorney Daljeet Singh Sandhu s/o Joginder Singh r/o 59-B, B- Block, Sandhu Colony, Chheharta, Amritsar presently at B-4, Casa Homes, Sector 115, Kharar- Landran Road, SAS Nagar

....Appellant

Versus

M/s Future City Developers, CASA Homes Office, Sector 115, Kharar-Landran Road, SAS Nagar (Mohali), Punjab

....Respondent

Chandigarh,


(S.S.SALAR & A.S.SALAR)

Dated: 06.07 .2021

Advocates, Counsel for the Appellant



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

Appeal No. 29 of 2021

Karanpreet Singh Sandhu S/o Daljeet Singh Sandhu R/o B-4, Casa Homes, Sector-115, Kharar-Landran Road, SAS Nagar through his power of attorney Daljeet Singh Sandhu S/o Joginder Singh R/o 59-B, B-Block, Sandhu Colony, Chheharta, Amritsar presently at B-4, Casa Homes, Sector-115, Kharar-Landran Road, SAS Nagar.

....Appellant

Versus

M/s Future City Developers, CASA Homes Office, Sector-115, Kharar-Landran Road, SAS Nagar (Mohali), Punjab.

....Respondent

Present: Mr. Amarbir Singh Salar, Advocate for the appellant.

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

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JUDGMENT: (Justice Mahesh Grover (Retd.))

This appeal is directed against the order dated 31.03.2021, passed by the Real Estate Regulatory Authority, Punjab.

The solitary grievance raised before us against the impugned order is that the respondent is violating the layout plan by raising construction of flats on lands reserved for parking/commercial and green area.



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The impugned order reveals that the appellant had made a similar prayer before the Authority and at one point of time a restraint order was passed against the respondent prohibiting him ^{from} ~~to~~ raising any constriction in violation of the layout plan.

It is conceded before us that subsequent to this order the respondents stopped raising further construction.

We also notice from the impugned order that the respondents have applied for revision of layout plans and the right of the appellant to object has been kept alive till the time such an application of the respondent for revision of the layout plan is decided.

We are thus of the opinion that interest of the appellant had been adequately safeguarded while liberty has been granted to him to press these issues before the Authority as is evident from the concluding observation in Para 9 of the impugned order and the same is extracted herein below: -

"Based on the entire evidence on record & both oral and written submissions, the complaint is devoid of any merits and does not warrant any relief. Accordingly the complaint is dismissed. However, the interim orders of this Authority issued on 04.06.2020, restraining the respondent from carrying out any construction contrary to the approved layout plan, shall remain in operation till such time the competent



Dhanraj Kumar

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authority takes a final view, in regards to the pending application, for the revised layout plan. File be consigned to record room and providing the copy of the order to both the parties"

Consequently, we dispose of the appeal with liberty to the appellant to raise issues of violation before the Authority in terms of the impugned order as and when the occasion arises.

sdl -
JUSTICE MAHESH GROVER (RETD.)
CHAIRMAN

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

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

August 05, 2021
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Certified To Be True Copy
Manoj Kumar
16-8-2021
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh