

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB
SCO No. 95-98, Bank Square, P.F.C Building, Sector-17-B, Chandigarh

Subject: -

Appeal No. 266 of 2020

KUMKUM BHATIA AGED ABOUT 62 YEARS, WIFE OF DEEPAK BHATIA EARLIER RESIDENT OF HOUSE NO.1256, URBAN ESTATE, PHASE-I, DISTRICT JALANDHAR, PUNJAB AT PRESENT RESIDENT OF 298, CHHOTI BARADARI, PART-I, JALANDHAR-144001.

.....Appellant

Versus

ANSAL LOTUS MELANGE PROJECTS PVT. LTD. THROUGH ITS DIRECTOR/AUTHORIZED SIGNATORY, SCO 183-184 (1ST FLOOR), MADHYA MARG, SECTOR 9-C, CHANDIGARH-160009

.....Respondent

Memo No. R.E.A.T./2022/ 171

To,

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

Whereas appeals 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 aforesaid appeals 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 20 day of April, 2022.



Shanand Kumar
REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

BEFORE THE REAL ESTATE APPELLATE
TRIBUNAL, PUNJAB

Appeal no 266/2020

MEMO OF PARTIES

Kumkum Bhatia aged about 62 years, wife of Deepak Bhatia
earlier resident of House No.1256, Urban Estate, Phase-I,
District Jalandhar, Punjab at present resident of 298, Chhoti
Baradari, Part-1, Jalandhar-144001

...APPELLANT

VERSUS

Ansal Lotus Melange Projects Pvt. Ltd. through its
Director/Authorized Signatory, SCO 183-184 (1st Floor),
Madhya Marg, Sector 9-C, Chandigarh-160009

...RESPONDENT

Place: Chandigarh

Date: 27.11.2020


(RISHMA VERMA)

ADVOCATE

COUNSEL FOR THE APPELLANT



REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

Appeal No. 266 of 2020

KUMKUM BHATIA AGED ABOUT 62 YEARS, WIFE OF DEEPAK BHATIA EARLIER RESIDENT OF HOUSE NO.1256, URBAN ESTATE, PHASE-I, DISTRICT JALANDHAR, PUNJAB AT PRESENT RESIDENT OF 298, CHHOTI BARADARI, PART-I, JALANDHAR-144001.

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.....Respondent

Present: Ms. Rishma Verma, Advocate for the appellant.
Mr. Sumit Kumar, Advocate for the respondent.

**CORAM: JUSTICE MAHESH GROVER (RETD.), CHAIRMAN
SH. S.K. GARG DISTT. & SESSIONS JUDGE (RETD.),
MEMBER (JUDICIAL)**

JUDGMENT: (JUSTICE MAHESH GROVER (RETD.), CHAIRMAN)



This appeal is directed against the order dated 16.09.2020, passed by the Adjudicating Officer, Real Estate Regulatory Authority, Punjab.

2. Learned counsel for the appellant at the outset places reliance on the recent judgment of the Hon'ble Supreme Court in "M/s. NEWTECH PROMOTERS AND DEVELOPERS PVT. LTD. VERSUS STATE OF UP & ORS.ETC.", and refers to Para 83 and 86, to contend that the Adjudicating Officer would have no jurisdiction to entertain and decide issues relating to refund and interest, even though he is specifically empowered under the Act to deal with the issues of compensation, which has also been approvingly observed by the Hon'ble Supreme Court in "M/s. NEWTECH PROMOTERS AND DEVELOPERS PVT. LTD. VERSUS STATE OF UP & ORS.ETC.". He thus prays that in view of the authoritative pronouncement of the Hon'ble Supreme Court, the impugned orders need to be set aside.
3. The ratio of our order passed in "Appeal No.277 of 2020", would be attracted to the facts of the present case as well.
4. Accordingly, we deem it appropriate to dispose of the appeal with a liberty to the complainant to move an appropriate application in Form M seeking refund & interest and Form N seeking compensation before the competent Authority/ Adjudicating Officer.
In case, such applications are moved, the same shall be decided expeditiously by the Competent Authority/ Adjudicating Officer as the case may be in accordance with law.



Appeal No. 266 of 2020

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6. We are of the opinion, that in order to ensure expeditious disposal of the matter, the parties should put in appearance before the Authority/Adjudicating Officer as the case may be, which in turn shall pass appropriate orders either for allocating the proceedings to the appropriate Authority/Adjudicating Officer or for return of the complaint with a permission to the complainant to file appropriate proceedings in Form-M or Form-N as the case may be. The Authority in this manner would have the benefit of providing a time-frame for the entire process as both the parties would be before it and the necessity of affecting service etc. may not arise. The Authority/Adjudicating Officer shall then proceed to determine the matter in accordance with law.
7. Parties are directed to appear before the Real Estate Regulatory Authority, Punjab on **28.04.2022**. Files be consigned to record room.

Sdr
JUSTICE MAHESH GROVER (RETD.)
CHAIRMAN

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

April 11, 2022
AN



Certified To Be True Copy
Manender Kumar
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh
20/04/2022