

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

Subject: -

APPLICATION NO.108 OF 2022 IN APPEAL NO. 60 OF 2022 AMAN SETHI AND ANR. VERSUS DARA BUILDTECH & DEVELOPERS LTD. AND ANR.	APPLICATION NO.109 OF 2022 IN APPEAL NO. 61 OF 2022 RAVINDER KUMAR VERSUS AMRITSAR IMPROVEMENT TRUST
APPLICATION NO. 110 OF 2022 IN APPEAL NO. 64 OF 2022 SAPANDEEP SINGH BAKSHI & ANOTHER VERSUS M/S ANSAL PROPERTIES & INFRASTRUCTURE LTD. & OTHERS.	APPLICATION NO. 111 OF 2022 IN APPEAL NO. 65 OF 2022 SAPANDEEP SINGH BAKSHI & ANOTHER VERSUS M/S ANSAL PROPERTIES & INFRASTRUCTURE LTD. & OTHERS

Memo No. R.E.A.T./2022/ 274

To,

APPLICATION NO. 108 OF 2022
IN APPEAL NO. 60 OF 2022

APPLICATION NO. 109 OF 2022
IN APPEAL NO. 61 OF 2022

**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 were 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 **15th** day of June, 2022.



Dhanendra Kumar

REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

Appeal No. 60 of 2022
In AdcNo00622021UR of 2021

MEMO OF PARTIES

(1) Aman Sethi, Flat No.2, Type-3, Tower-1,
CIAB-NABI Campus, Sector-81, Knowledge City,
Mohali – 140306, Punjab AND

(2) Rakesh Kumari,
Flat No. 5, Akali Market, Desumajra,
Sector-125, Kharar – 140301

Appellants

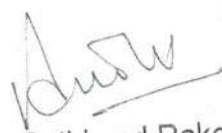
Versus

(1) M/s Dara Buildtech & Developers Limited,
SCO – 3&4, Surya Enclave, Adj. Yes Bank,
Sector-115, Kharar-Landran Road, Mohali – 140301
E-mail: daraestates@hotmail.com

(2) The Real Estate Regulatory Authority, Punjab,
First Floor, Block-B, Plot No.-3, Sector-18A,
Madhya Marg, Chandigarh – 160018

(3) The Adjudicating Officer,
Real Estate Regulatory Authority, Punjab
First Floor, Block-B, Plot No.-3, Sector-18A,
Madhya Marg, Chandigarh – 160018

...Respondents


(Aman Sethi and Rakesh Kumari)
Appellants



BEFORE THE HON'BLE COURT OF REAL ESTATE APPELLATE TRIBUNAL,
PUNJAB

APPEAL No. 61 of 2022

MEMO OF PARTIES

Ravinder Kumar, aged about 59 years, S/o Late Sh. Kewal Ram R/o 2, New Harbans
Nagar, Near Shiv Mandir, Jalandhar, Punjab - 144002

.... APPELLANT/PLAINTIFF

Versus

Amritsar Improvement Trust, C Block, Ranjit Avenue, Amritsar, Punjab-143001

.... DEFENDANT/RESPONDENT

Place : Chandigarh

Date : 11 April, 2022



(Advocate Indu Verma)

Counsel for Appellant/Plaintiff



MEMO OF PARTIES

1. Sapandeep Singh Bakshi son of Late Iqbal Singh Bakshi presently residing at 63, Derwent Drive Maidenhead Berkshire- United Kingdom SL6 6LE
 2. Amandeep Bakshi wife of Sapandeep Bakshi presently residing at 63, Derwent Drive Maidenhead Berkshire- United Kingdom SL6 6LE
Through their power of attorney holder namely Sumesh Kumar son of Sh. Kartara Ram resident of House No. 210, HIG, Sector-71, Mohali, SAS Nagar, Punjab.
-Appellants/Complainants



Versus

1. Real Estate Regulatory Authority, Punjab, through its Chairperson, First Floor, Block-B, Plot No.-3, Sector-18A, Madhya Marg, Chandigarh – 160018.
2. M/s Ansal Properties & Infrastructure Ltd, having its registered office at 115, Ansal Bhawan 16 K G Marg, Central Delhi, Delhi through its Managing Director/Director/Authorised Signatory. Email: sami@ansalapi.com.
3. M/s Concord Hospitality Private Ltd having its registered office at 1, VPO Bal Sanchander, Airport Road, Ajnala Road, Amritsar, Punjab through its Managing Director/Director/Authorised Signatory Email: rjngill@yahoo.com.
4. Harpinder Singh Gill, Managing Director, Concord Hospitality Private Ltd having its registered office at 1, VPO Bal Sanchander, Airport Road, Ajnala Road, Amritsar, Punjab Email: rjngill@yahoo.com.



Chandigarh

Dated: 21.04.2022



 SANJEEV GUPTA & RIPUDAMAN SINGH
 ADVOCATE
 COUNSEL FOR THE APPELLANTS

AT CHANDIGARH

Appeal No. 65 of 2022

In ADC No. 0246 of 2021

MEMO OF PARTIES



1. Sapandeep Singh Bakshi son of Late Iqbal Singh Bakshi presently residing at 63, Derwent Drive Maidenhead Berkshire- United Kingdom SL6 6LE
2. Amandeep Bakshi wife of Sapandeep Bakshi presently residing at 63, Derwent Drive Maidenhead Berkshire- United Kingdom SL6 6LE
Through their power of attorney holder namely Sumesh Kumar son of Sh. Kartara Ram resident of House No. 210, HIG, Sector-71, Mohali, SAS Nagar, Punjab.Appellants/Complainants

Versus

1. Real Estate Regulatory Authority, Punjab, through its Chairperson, First Floor, Block-B, Plot No.-3, Sector-18A, Madhya Marg, Chandigarh - 160018.
2. M/s Ansal Properties & Infrastructure Ltd, having its registered office at 115, Ansal Bhawan 16 K G Marg, Central Delhi, Delhi through its Managing Director/Director/Authorised Signatory. Email: sami@ansalapi.com.
3. M/s Concord Hospitality Private Ltd having its registered office at 1, VPO Bal Sanchander, Airport Road, Ajnala Road, Amritsar, Punjab through its Managing Director/Director/Authorised Signatory Email: rjngill@yahoo.com.
4. Harpinder Singh Gill, Managing Director, Concord Hospitality Private Ltd having its registered office at 1, VPO Bal Sanchander, Airport Road, Ajnala Road, Amritsar, Punjab Email: rjngill@yahoo.com.



Chandigarh
Dated: 21.04.2022



SANJEEV GUPTA & RIPUDAMAN SINGH
ADVOCATE
COUNSEL FOR THE APPELLANTS

**BEFORE THE REAL ESTATE APPELLATE TRIBUNAL,
PUNJAB, AT CHANDIGARH**

APPLICATION NO.108 OF 2022 IN APPEAL NO. 60 OF 2022 AMAN SETHI AND ANR. VERSUS DARA BUILDTECH & DEVELOPERS LTD. AND ANR.	APPLICATION NO.109 OF 2022 IN APPEAL NO. 61 OF 2022 RAVINDER KUMAR VERSUS AMRITSAR IMPROVEMENT TRUST
APPLICATION NO. 110 OF 2022 IN APPEAL NO. 64 OF 2022 SAPANDEEP SINGH BAKSHI & ANOTHER VERSUS M/S ANSAL PROPERTIES & INFRASTRUCTURE LTD. & OTHERS.	APPLICATION NO. 111 OF 2022 IN APPEAL NO. 65 OF 2022 SAPANDEEP SINGH BAKSHI & ANOTHER VERSUS M/S ANSAL PROPERTIES & INFRASTRUCTURE LTD. & OTHERS

Present: - Mr. Animesh Sharma, Advocate for RERA, Punjab.

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1. These applications by the Real Estate Regulatory Authority, Punjab (hereinafter referred to as the Authority) seek clarification of our order passed on 25.04.2022 by making a grievance of non-issuance of notice to it before passing of the said order particularly when it goes on to record that circular dated 06.12.2021 issued by the Authority as bad, in the eyes of law.



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2. We may state at the outset that the orders generally impugned before us are passed by the Real Estate Regulatory Authority, Punjab, its Member or Adjudicating Officer as the case may be in the discharge of its statutory functions and are quasi-judicial in nature. Even, though mandatorily and procedurally, they would be impleaded as the party/respondent in appeals before us and notice would also be served on them in due course, yet in view of the nature of orders passed by them i.e. being quasi-judicial in nature, it is not essential that the Authority be represented in appellate proceedings before us, where such orders are questioned, to seek justification of their orders, as they are self speaking and the reasons given therein are open to judicial scrutiny. Therefore, their presence before us is not a norm but only in exceptional circumstance reflected in our orders



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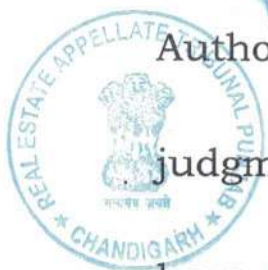
APPLICATION NO.111 OF 2022

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seeking their views, Hence the grievance of not being heard is without any substance.

3. A grievance has been made that the circular issued by the Authority has been set aside without hearing it. We may observe that this circular authored by the Authority contained a decision not to entertain complaints qua projects that were unregistered by placing an interpretation on the judgment of the Hon'ble Supreme Court in **M/s. NEWTECH PROMOTERS AND DEVELOPERS PVT. LTD. VERSUS STATE OF UP & ORS.ETC."**

4. We are of the opinion, that this circular issued by the Authority was a result of complete misreading of the judgment of the Hon'ble Supreme Court and what we have done, while passing the order dated 25.04.2022 is



an attempt to place the findings of the Hon'ble Supreme Court, in its correct perspective.

5. As a logical consequence, our reasoning would necessarily prevail, with or without declaring the circular bad in explicit words. Therefore, de hors our observation regarding the circular being bad in the eyes of law, the only course available to the Authority in view of our orders dated 24.04.2022, would be to accept our reasoning and hence it was not essential to hear the view of the Authority.

6. At the cost of repetition, we state that the reasoning offered by us is in tune with the statutory provisions, rules and regulations and are merely clarificatory and thus needs to be received by the Authority in the same spirit, particularly, when we feel there was a complete misreading by the Authority of Para 53 and 54 of the



judgment of the Hon'ble Supreme Court, which merely intended to save projects qua which completion certificate has been granted from the purview of the Act and none other. Such findings did not imply that filing of complaint against unregistered projects would be debarred altogether to absolve the Authority of its statutory duties.

7. We are thus of the opinion, that it was not essential to hear the Authority regarding the circular issued by them on the administrative side, when we have merely recorded a clarification of the judgment of the Hon'ble Supreme Court and as a necessary corollary to our opinion, the persistence with the circular by the Authority would not be a course available to it unless it chooses to put itself in conflict with our orders and the orders of the Hon'ble Supreme Court. Besides no



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prejudice has been caused to the Authority and the observations made by us are largely to give effect to a beneficial piece of legislation and intended to redeem the predicament of the aggrieved allottees at large.

8. With the aforesaid observations, the applications stand disposed of. Photocopy of this order be placed in connected cases.

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)

May 27, 2022
AN



Certified To Be True Copy
Dhanendra Kumar
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh

15/06/2022