

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

Subject: -

**APPEAL NO. 138 OF 2022**

Regent Land Holdings Pvt. Ltd., Adjacent Hotel Radisson Blu,  
Airport Road, Amritsar, through its Director, Sh. Harpinder  
Singh Gill.

...Appellant

Versus

Real Estate Regulatory Authority, Punjab on its own motion,  
1<sup>st</sup> Floor, Plot No. 3, Block B, Madhya Marg, Sector-18 A,  
Chandigarh.

....Respondent

Memo No. R.E.A.T./2022/639

To,

**REAL ESTATE REGULATORY AUTHORITY, PUNJAB 1<sup>ST</sup> 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 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 20th  
day of December, 2022.

  
REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB



For use of Appellate Tribunal's office:

Date of filing:

22/07/2022/500 / 22/07/2022/503

Date of receipt by post:

[Signature] / [Signature]

Registration No.:

138 of 2022

Signature:

Kamla

Registrar:

[Signature]

**IN THE RERA APPELLATE TRIBUNAL, PUNJAB.**

Appeal No. 138 of 2022

Arising out of Notice no. RERA/2020/PS/CP/7146

Date of Impugned Judgement: 16.12.2021

Passed by Sh. Navreet Singh Kang, Chairperson  
Real Estate Regulatory Authority, Punjab

**IN THE MATTER OF:**

Appeal under Section 44 of the Real Estate (Regulation and Development) Act, 2016

**AND IN THE MATTER OF:**

Regent Land Holdings Pvt.Ltd.

....Appellant

Versus

Real Estate Regulatory Authority, Punjab on its own motion

....Respondent

**DETAILS OF APPEAL**

**1. PARTICULARS OF THE APPELLANT:**

Regent Land Holdings Pvt.Ltd.,

Adjacent Hotel Radisson Blu, Airport Road,

Amritsar, through its Director

Sh. Harpinder Singh Gill.

Mob: 98154 54545

Email: [ringill@yahoo.com](mailto:ringill@yahoo.com)

**2. PARTICULARS OF THE RESPONDENT**

Real Estate Regulatory Authority, Punjab on its own motion

1<sup>st</sup> Floor, Plot No. 3, Block B, Madhya Marg,

Sector 18A, Chandigarh.

Email: [helprera@punjab.gov.in](mailto:helprera@punjab.gov.in)



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

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**APPEAL NO. 138 OF 2022**

Regent Land Holdings Pvt. Ltd., Adjacent Hotel Radisson Blu,  
Airport Road, Amritsar, through its Director, Sh. Harpinder  
Singh Gill.

...Appellant

Versus

Real Estate Regulatory Authority, Punjab on its own motion,  
1<sup>st</sup> Floor, Plot No. 3, Block B, Madhya Marg, Sector-18 A,  
Chandigarh.

....Respondent

\*\*\*

Present: Mr. Gunjan Rishi, Advocate for the appellant.

**CORAM:**



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

**ER. ASHOK KUMAR GARG, CHIEF ENGINEER  
(RETD.), MEMBER (ADMN./ TECH.)**

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

1. This appeal is against the order dated 06.12.2021 passed by the Real Estate Regulatory Authority, Punjab (hereinafter known as the Authority) filed by the appellant (promoter).

2. The Authority upon its own motion sought information from various development authorities in the State regarding projects which had been granted licenses by them but completion certificates had yet to be granted, since such like projects were to be treated as ongoing projects requiring registration with the Authority.
3. A complaint dated 06.08.2020 was received by the Authority regarding a Real Estate Project namely, "Blessings City" at Airport Road, Amritsar. It was alleged that this project was not registered with the Authority even though development works were going on.
4. A show cause notice was thus issued to the present appellant i.e. Regent Land Holdings Pvt. Ltd, 'Blessings City', Amritsar, which was delivered on 31.10.2020. Informing it of prima facie being in violation of Section 3 of the Act and requiring it to show cause why proceedings under Section 59 of the Act be not initiated for such a lapse. The appellant did not respond to this notice leading to the issuance of a reminder dated 08.12.2020 which has delivered to the appellant vide registered post but still no response was received by the Authority and ex-parte proceedings were ordered against it on 07.01.2021. The representative of the Authority was asked to submit material in support of the motion of



penalty proceedings. The matter was taken up on 25.03.2021 on which date the report was received from the Amritsar Development Authority (hereinafter known as the Amritsar Authority) giving details of the project, and which further stated that the project in question was located in an area of 17.07 acres and licence to develop it was issued on 12.01.2015 implying thereby that the Collector's rate prevalent for the year 2014-15 i.e. Rs.30,000/- per marla would be relevant to determine the cost of the project. Applying this rate of Rs.30,000/- per marla for residential purpose the total cost of land was assessed as Rs.8.19Crores. However, the cost of obtaining various approvals which were required to be added to this figure were not mentioned. In this very report it was submitted that the appellant (promoter) had the knowledge about the pendency of proceedings under Section 59 but had failed to respond to the notices despite several opportunities granted by the Authority in this regard.



5. Thereafter the Authority while considering all the circumstances i.e. report of the Amritsar Authority, the material produced by the representative of the Authority and the default of the appellant's representative determined the cost of the project as Rs.8.19Crores and noticing maximum penalty under law is 10% of the

cost of land, imposed Rs.70lacs as a penalty upon the appellant which was required to be deposited by way of a demand draft in the name of "Real Estate Regulatory Authority, Punjab payable at Chandigarh". The needful was to be done within two months from the issuance of the order failing which recovery certificate was required to be issued to the District Collector, Amritsar for effecting recovery under Rule 24 of the Real Estate (Regulation and Development) Rules, 2017.

6. This appeal has been preferred by the promoter assailing the order of the Authority dated 16.12.2021 after a delay of 114 days.
7. Even after granting the benefit of the orders of the Hon'ble Supreme Court with regard to the limitation during the pandemic, the appeal is barred by limitation and the reason has been given in Para 4 and 5 which are extracted herebelow:-



4. *It is submitted that the counsel for the petitioner at Amritsar has sent the draft of the Appeal along with requisite documents to the Local Counsel at Chandigarh, who then after vetting requested some information from the Counsel for the Petitioner at Amritsar. However, due to some personal family problem the Counsel for the Petitioner at Amritsar could not reciprocate the information sought for filing the Appeal well within time.*
5. *Thereafter, the Counsel for the Petitioner at Amritsar after collating the information and documents send*

*them to the Local Counsel at Chandigarh in the first week of June, 2022. Consequently, the appeal is filed with a delay."*

The above explanation can hardly be termed to be inspiring to merit acceptance.

8. Be that as it may even if this facet of the matter is ignored and the plea on merits considered, as we have done, we are unable to persuade ourselves to interfere with the impugned order for the simple reason that undeniably the appellant was served in the proceedings initiated by the Authority. The notice was sent by a registered post and the status of delivery is in the affirmative.
9. There has to be a presumption of truth in favour of such reports unless offset by cogent material. No justification has been offered by the appellant for non-appearance before the Authority particularly when notice had been served upon him.



Even during the course of hearing we had repeatedly asked the learned counsel representing the appellant as to what was the reason that prevented them from appearing before the Authority and putting forward their version. The stock response received by us was an admission of default for which regrets were offered.

11. This to our minds is not good enough to set aside an order based on the report of the Amritsar Authority which had given the details of the project and stated about the appellant's knowledge with regard to the pendency of the proceedings under Section 59 of the Act before the Authority. The default therefore seems to be willful and the attitude of the appellant can at best be termed to be callous and indifferent.
12. We thus decline interference but leave it open for the appellant to approach the Authority in case law so permits and make out a case for recall of the impugned order by the Authority by offering justification for non-appearance and seeking a hearing on merits.
13. The appeal is disposed of as above.

File be consigned to the record room.



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)

December 9, 2022  
DS

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

20/12/2022