

BEFORE THE HON'BLE PUNJAB REAL ESTATE APPELLATE
TRIBUNAL CHANDIGARH

Appeal No. 12 of 2021

MEMO OF PARTIES

Jarnail Singh Son of Sh. Hardial Singh, resident of VPO Rajla, Tehsil
Samana, District Patiala.Appellant

VERSUS

Real Estate regulatory Authority, Punjab on its own motion. First Floor,
Block-B, Plot No.-3, Sector-18A, (Near Govt. Press UT), Madhya
Marg, Chandigarh – 160018.

.Respondent

Place: Chandigarh

Date:12.03.2021


(B P S Virk)

Advocate

(Counsel for the appellant)



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

Appeal No. 12 of 2021 (O&M)

Jarnail Singh son of Sh. Hardial Singh, resident of VPO Rajla,
Teshil Samana, District Patiala.

....Appellant

Versus

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

....Respondent

Present: Mr. BPS Virk, 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.))

APPLICATION NO. 18 OF 2021

Arguments on the application for condonation of delay have been heard extensively and learned counsel for the appellant relies on the decision of the Hon'ble Supreme Court in *Suo Motu Writ Petition (Civil) No. 3 of 2020*.

Having regard to the observation of the Hon'ble Supreme Court, we deem it appropriate to condone the delay.

Ordered accordingly.



Dr. Anurag Singh

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The appeal is directed against the order dated 19.03.2020 passed by the Real Estate Regulatory Authority, Punjab.

By virtue of the impugned order the Authority concluded that the project in question had not been registered within the stipulated time, resulting in the imposition of penalty of Rs.5,00,000/-.

Learned counsel for the appellant contends that the order is erroneous, as it was passed behind his back without giving him an opportunity to offer his explanation and plead his case.

It has been repeatedly argued, that the notice though issued was never served upon the appellant. However, it is conceded that initially when the notice was served upon the appellant a counsel was engaged to file a reply but at the time of hearing no notice was received.

We have heard the learned counsel for the appellant and perused the record. It has been specifically noted by the Authority in the impugned order that the appellant was directed to appear personally or through a representative on 05.07.2018 vide Authority's RERA Notice-46/PDA/2018/5262 dated 22.06.2018, but no one came present. Thereafter service of the notice was ordered



Dhanraj Kumar

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through publication on 30.07.2018 effected in the Tribune dated 22.09.2018. Despite that none appeared and the appellant was directed to be proceeded against ex-parte on 25.10.2018. Thereafter again notice was issued for imposition of penalty (on) 04.02.2019, even this notice remained unanswered leading to the impugned order.

From the record, we do not find that the argument raised before us by the learned counsel for the appellant can in any way succeed. The plea that he was never served falls flat on its face in view of the categoric recording of the fact by the Authority of publication of a notice in the Tribune. Apart from that a notice was sent through regular registered post, which facts cumulatively would lead to a presumption of service. If that be so and there is no explanation offered for non-appearance, we are of the opinion that the order of the Authority, which has taken a fair view while imposing penalty should not be interfered. In fact the Authority has dealt with the matter by not imposing the maximum penalty and taking a sympathetic view restricting the penalty to Rs.5,00,000/-.

There is thus no redeeming feature that offers itself warranting interference by us in a well reasoned order particularly



T. Ranend Kumar

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when the appellant himself chose to default in appearance before the RERA, Authority.

No grounds for interfere.

Dismissed.

Before parting with the order, we direct that the amount already deposited in compliance of Section 43(5) of the Act be remitted to the Authority and the balance amount (Rs.5,00,000/- - Rs.1,50,000/- = Rs.3,50,000/-) be paid by the appellant within a period of three weeks.

Sd/-

JUSTICE MAHESH GROVER (RETD.)
CHAIRMAN

Sd/-

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

Sd/-

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

August 05, 2021

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Certified To Be True Copy

Shamsher Kaur
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh

16-8-2021