

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

Subject: -

Appeal No. 52 of 2022

Sachin Kumar R/o Flat No.164, GH-3, HEWO Complex,
MDC Sector-5, Panchkula, Haryana (134109).

.....Appellant

Versus

Preet Land Promoters and Developers Pvt. Ltd., Preet City,
Village Nanumajra, Sector-86, SAS Nagar, Mohali, Punjab
(160068).

.....Respondent

Memo No. R.E.A.T./2022/268

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 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 07th
day of June, 2022.



Thamara Jaur
REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

FORM 'L'
[See rule 26(2)]

APPEAL TO APPELLATE TRIBUNAL

Appeal under Section 44 of the Act

For use of Appellate Tribunal's office:

Date of filing: 07/04/2022/219

Date of receipt by post: — 02

Registration No.: 520/2022

Signature: AS

Registrar: _____

MEMO OF PARTIES
IN THE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

Between

Sachin Kumar

Address: Flat No.164, GH-3, HEWO Complex, MDC, Sector 5,
Panchkula, Haryana 134109.

E-mail: sachink2006@gmail.com

Contact No.: 9814384165

...Appellant

And

Preet Land Promoters and Developers Pvt. Ltd.

Address: Preet City, Village Nanumajra, Sector 86, S.A.S. Nagar,
Mohali, Punjab 160068.

E-mail(s): ajaymittal1958@gmail.com, plpmohali@yahoo.com,

info@preetlandpromoters.com, ajaymittal396@gmail.com

Contact No(s): 9878452165, 9914339238, 8196938600, 1725099955.

...Respondent



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

Appeal No. 52 of 2022

Sachin Kumar R/o Flat No.164, GH-3, HEWO
Complex, MDC, Sector-5, Panchkula, Haryana
134109.

....Appellant

Versus

Preet Land Promoters and Developers Pvt. Ltd.,
Preet City, Village Nanumajra, Sector-86, SAS
Nagar, Mohali, Punjab 160068.

....Respondent

Present: - Mr. Anubhav Bansal, Advocate for Mr. Arun Bansal,
Advocate for the appellant.
Mr. Arun Singla, Advocate for the respondent.
Ms. Navdeep Kaur for RERA, Punjab.

**CORAM: 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/ORDER: (Sh. Mahesh Grover (Retd.), Chairman)
(oral)**

1. The Real Estate Regulatory Authority, Punjab (hereinafter referred to as the Authority), while dealing with the complaint of the allottee regarding non delivery of



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possession and other related issues, concluded in paragraph 12 as below:-

“As noted earlier, paras 32 to 54 contain the discussion on the question of retroactive or retrospective operation of the Act. Para 54 is the concluding and deciding paragraph and to our mind admits of no other interpretation except to hold that ongoing projects which are not registered are not within the purview of the Act, and hence complaints filed under Section 31 of the Act in relation to such projects would not be maintainable.”

2. The complaint was accordingly dismissed on the strength of the aforesaid reason.
3. We have in related matters (**Appeal No.60 of 2022**) commented on the issue dealt with by the Authority that a complaint would not be maintainable against an unregistered project.
4. To our minds, the present controversy would be squarely covered by the ratio of the decision given by us (Justice Mahesh Grover, Chairman & Mr. S.K. Garg, Judicial



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Member collectively) and (Mr. A.K. Garg, Member Technical/Administrative speaking for himself).

5. Accordingly, we set aside the impugned order dated 12.01.2022 and dispose of the appeal by remitting the matter back to the Real Estate Regulatory Authority, Punjab for a decision afresh in the light of the above.
6. Parties are directed to appear before the Real Estate Regulatory Authority, Punjab on **07.07.2022**. File be consigned to record room and a copy of this order along with copy of order passed in Appeal No.60 of 2022 be communicated to the parties as well as to the Real Estate Regulatory Authority, Punjab.

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
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh

01/06/2022