

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

Subject: -

**APPEAL NO. 103 OF 2022**

Estate Officer PUDA Bathinda, PUDA Complex Bhagu Road,  
Bathinda District Bathinda, Punjab

...Appellant

Versus

Om Prakash S/o Lachhman Das, R/o Ward No. 6, Court Road,  
Mansa, Tehsil Mansa, Punjab(151505).

....Respondent

Bathinda Development Authority, through its Chief  
Administrator, PUDA Complex, Bhagu Road, Bathinda,  
District Bathinda, Punjab(151001).

....Proforma Respondent

**APPEAL NO. 104 OF 2022**

Estate Officer PUDA Bathinda, PUDA Complex Bhagu Road,  
Bathinda District Bathinda, Punjab (151001)

...Appellant

Versus

Ragbir Singh S/o Chanan Singh, R/o Ward No. 7, New Court  
Road, Mansa, Tehsil Mansa, Punjab(151505).

....Respondent

Bathinda Development Authority, through its Chief  
Administrator, PUDA Complex, Bhagu Road, Bathinda,  
District Bathinda, Punjab(151001).

....Proforma Respondent



**APPEAL NO. 105 OF 2022**

Estate Officer PUDA Bathinda, PUDA Complex Bhagu Road,  
Bathinda District Bathinda, Punjab (151001)

...Appellant

Versus

Amarjit Singh S/o Mukhtiar Singh, R/o Ward No. 1, Street No.  
9, Backside Raman Cinema, Mansa, Tehsil Mansa,  
Punjab(151505).

....Respondent

Bathinda Development Authority, through its Chief  
Administrator, PUDA Complex, Bhagu Road, Bathinda,  
District Bathinda, Punjab(151001).

....Proforma Respondent

**APPEAL NO. 106 OF 2022**

Estate Officer PUDA Bathinda, PUDA Complex Bhagu Road,  
Bathinda District Bathinda, Punjab (151001)

...Appellant

Versus

Harjeet Kaur D/o Darshan Singh, R/o Ward No. 2, N.M  
College, Link Road Mansa, Tehsil and District Mansa,  
Punjab(151505).

....Respondent

Bathinda Development Authority, through its Chief  
Administrator, PUDA Complex, Bhagu Road, Bathinda,  
District Bathinda, Punjab(151001).

....Proforma Respondent



**APPEAL NO. 107 OF 2022**

Estate Officer PUDA Bathinda, PUDA Complex Bhagu Road,  
Bathinda District Bathinda, Punjab (151001)

...Appellant

Versus

Harpreet Kaur R/o #8, Near Sandeep Bus Service, Village  
Kanchian, Mansa, Tehsil Mansa, Punjab(151505).

....Respondent

Bathinda Development Authority, through its Chief  
Administrator, PUDA Complex, Bhagu Road, Bathinda,  
District Bathinda, Punjab(151001).

....Proforma Respondent

**APPEAL NO. 161 OF 2022**

Estate Officer Punjab Urban Planning and Development  
Authority, now Bathinda Development Authority, PUDA  
Complex Bhagu Road, Bathinda District Bathinda, Punjab  
(151001)

...Appellant

Versus

1. Jaswinder Kaur D/o Gurmail Singh, #644, Ward No. 6,  
Raman Cinema Road, Mansa, Punjab(151505).
2. Real Estate Regulatory Authority, Punjab, 1<sup>st</sup> Floor, Plot  
No. 3, Block B, Madhya Marg, Sector-18 A,  
Chandigarh(1660018)

....Contesting Respondents

Bathinda Development Authority, through its Chief  
Administrator, PUDA Complex, Bhagu Road, Bathinda,  
District Bathinda, Punjab(151001).

....Proforma Respondent





Memo No. R.E.A.T./2022/ 537

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 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 19<sup>th</sup> day of October, 2022.

*Dhanendra Kumar*

REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB



**BEFORE THE REAL ESTATE APPELLATE, TRIBUNAL,  
PUNJAB, SECTOR 17, CHANDIGARH-160017.**

Appeal No. 103 of 2022

**MEMO OF PARTIES**

Estate Officer PUDA Bathinda, PUDA Complex Bhagu Road,  
Bathinda District Bathinda, Punjab-151001 ...Appellant

Versus

Om Prakash, son of Lachhman Das, resident of Ward No. 6,  
Court Road, Mansa, Tehsil Mansa, Punjab-151505.

...Respondent

Bathinda Development Authority, through its Chief  
Administrator, PUDA Complex Bhagu Road, Bathinda District  
Bathinda, Punjab-151001.

...Performa Respondent

Place: Chandigarh  
Date: 28.06.2022

(Bhupinder Singh, Balwinder Singh &

Kunal Choksi)  
Advocates  
Counsel for the Appellant



**BEFORE THE REAL ESTATE APPELLATE, TRIBUNAL,  
PUNJAB, SECTOR 17, CHANDIGARH-160017.**

Appeal No. 104 of 2022

**MEMO OF PARTIES**

Estate Officer PUDA Bathinda, PUDA Complex Bhagu Road,  
Bathinda District Bathinda, Punjab-151001 ...Appellant

Versus

Ragbir Singh, son of Chanan Singh, resident of Ward No. 7,  
New Court Road, Mansa, Tehsil Mansa, Punjab-151505.

...Respondent

Bathinda Development Authority, through its Chief  
Administrator, PUDA Complex Bhagu Road, Bathinda District  
Bathinda, Punjab-151001.

...Performa Respondent

Place: Chandigarh  
Date: 28.06.2022

(Bhupinder Singh, Balwinder Singh &

Kunal Choksi)  
Advocates

Counsel for the Appellant



**BEFORE THE REAL ESTATE APPELLATE, TRIBUNAL,  
PUNJAB, SECTOR 17, CHANDIGARH-160017.**

Appeal No. 105 of 2022

**MEMO OF PARTIES**

Estate Officer PUDA Bathinda, PUDA Complex Bhagu Road,  
Bathinda District Bathinda, Punjab-151001 ...Appellant

Versus


Amarjit Singh, son of Mukhtiar Singh, resident of Ward No. 1,  
Street No. 9, Backside Raman Cinema, Mansa, Tehsil Mansa,  
Punjab-151505.

...Respondent

Bathinda Development Authority, through its Chief  
Administrator, PUDA Complex Bhagu Road, Bathinda District  
Bathinda, Punjab-151001.

...Performa Respondent

Place: Chandigarh  
Date: 28.06.2022

  
(Bhupinder Singh, Balwinder Singh &  
Kunal Choksi)  
Advocates  
Counsel for the Appellant





BEFORE THE REAL ESTATE APPELLATE, TRIBUNAL,  
PUNJAB, SECTOR 17, CHANDIGARH-160017.

Appeal No. 106 of 2022

MEMO OF PARTIES

Estate Officer PUDA Bathinda, PUDA Complex Bhagu Road,  
Bathinda District Bathinda, Punjab-151001 ...Appellant

Versus

Harjeet Kaur daughter of Darshan Singh resident of Ward No. 2,  
N.M. College, Link Road Mansa, Tehsil Mansa, District Mansa,  
Punjab, Pin Code-151505

...Respondent

Bathinda Development Authority, through its Chief  
Administrator, PUDA Complex Bhagu Road, Bathinda District  
Bathinda, Punjab-151001.

...Performa Respondent

Place: Chandigarh  
Date: 28.06.2022

  
(Bhupinder Singh, Balwinder Singh &

Kunal Choksi)  
Advocates  
Counsel for the Appellant





BEFORE THE REAL ESTATE APPELLATE, TRIBUNAL,  
PUNJAB, SECTOR 17, CHANDIGARH-160017.

Appeal No. 167 of 2022

MEMO OF PARTIES

Estate Officer PUDA Bathinda, PUDA Complex Bhagu Road,  
Bathinda District Bathinda, Punjab-151001 ...Appellant

Versus

Harpreet Kaur # 8, Near Sandeep Bus Service, Village  
Kanchian, Mansa, Tehsil Mansa, Punjab-151505

...Respondent

Bathinda Development Authority, through its Chief  
Administrator, PUDA Complex, Bhagu Road, Bathinda District  
Bathinda, Punjab-151001.

...Performa Respondent

Place: Chandigarh  
Date: 28-06.2022

(Bhupinder Singh, Balwinder Singh &

Kunjal Choksi)  
Advocates

Counsel for the Appellant



**IN THE REAL ESTATE APPELLATE TRIBUNAL PUNJAB  
AT CHANDIGARH**

APPEAL No. 161 OF 2022

**MEMO OF PARTIES**

Estate Officer, Punjab Urban Planning and Development Authority, now  
Bathinda Development Authority, PUDA Complex, Bhagu Road,  
Bathinda, District Bathinda, Punjab – 151001

**.....Appellant**

V E R S U S

1. Jaswinder Kaur daughter of Shri Gurmail Singh, # 644, Ward  
No.6, Raman Cinema Road, Mansa, Punjab – 151505;
2. Real Estate Regulatory Authority, Punjab, First Floor, Plot No.3,  
Block-B, Madhya Marg, Sector 18-A, Chandigarh – 160018.


**.....Contesting Respondents**

3. Chief Administrator, Punjab Urban Planning and Development  
Authority, PUDA Complex, Bhagu Road, Bathinda, Punjab –  
151001

**....Proforma Respondent**



CHANDIGARH  
DATED: 27.07.2022

  
(ASHISH GROVER)  
ADVOCATE FOR THE APPELLANTS  
ENRL. No.P/671/1991

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

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**APPEAL NO. 103 OF 2022**

Estate Officer PUDA Bathinda, PUDA Complex Bhagu Road,  
Bathinda District Bathinda, Punjab

...Appellant

Versus

Om Prakash S/o Lachhman Das, R/o Ward No. 6, Court Road,  
Mansa, Tehsil Mansa, Punjab(151505).

....Respondent

Bathinda Development Authority, through its Chief  
Administrator, PUDA Complex, Bhagu Road, Bathinda,  
District Bathinda, Punjab(151001).

....Proforma Respondent

**APPEAL NO. 104 OF 2022**

Estate Officer PUDA Bathinda, PUDA Complex Bhagu Road,  
Bathinda District Bathinda, Punjab (151001)

...Appellant

Versus

Ragbir Singh S/o Chanan Singh, R/o Ward No. 7, New Court  
Road, Mansa, Tehsil Mansa, Punjab(151505).

....Respondent

Bathinda Development Authority, through its Chief  
Administrator, PUDA Complex, Bhagu Road, Bathinda,  
District Bathinda, Punjab(151001).

....Proforma Respondent



APPEAL NO. 103 OF 2022 ALONG WITH APPEAL NO. 104 of 2022 TO  
APPEAL NO. 107 of 2022

AND

APPEAL NO. 161 of 2022

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**APPEAL NO. 105 OF 2022**

Estate Officer PUDA Bathinda, PUDA Complex Bhagu Road,  
Bathinda District Bathinda, Punjab (151001)

...Appellant

Versus

Amarjit Singh S/o Mukhtiar Singh, R/o Ward No. 1, Street No.  
9, Backside Raman Cinema, Mansa, Tehsil Mansa,  
Punjab(151505).

....Respondent

Bathinda Development Authority, through its Chief  
Administrator, PUDA Complex, Bhagu Road, Bathinda,  
District Bathinda, Punjab(151001).

....Proforma Respondent

**APPEAL NO. 106 OF 2022**

Estate Officer PUDA Bathinda, PUDA Complex Bhagu Road,  
Bathinda District Bathinda, Punjab (151001)

...Appellant

Versus

Harjeet Kaur D/o Darshan Singh, R/o Ward No. 2, N.M  
College, Link Road Mansa, Tehsil and District Mansa,  
Punjab(151505).

....Respondent

Bathinda Development Authority, through its Chief  
Administrator, PUDA Complex, Bhagu Road, Bathinda,  
District Bathinda, Punjab(151001).

....Proforma Respondent





**APPEAL NO. 103 OF 2022 ALONG WITH APPEAL NO. 104 of 2022 TO  
APPEAL NO. 107 of 2022**

**AND**

**APPEAL NO. 161 of 2022**

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**APPEAL NO. 107 OF 2022**

Estate Officer PUDA Bathinda, PUDA Complex Bhagu Road,  
Bathinda District Bathinda, Punjab (151001)

...Appellant

Versus

Harpreet Kaur R/o #8, Near Sandeep Bus Service, Village  
Kanchian, Mansa, Tehsil Mansa, Punjab(151505).

....Respondent

Bathinda Development Authority, through its Chief  
Administrator, PUDA Complex, Bhagu Road, Bathinda,  
District Bathinda, Punjab(151001).

....Proforma Respondent

**APPEAL NO. 161 OF 2022**

Estate Officer Punjab Urban Planning and Development  
Authority, now Bathinda Development Authority, PUDA  
Complex Bhagu Road, Bathinda District Bathinda, Punjab  
(151001)

...Appellant

Versus

1. Jaswinder Kaur D/o Gurmail Singh, #644, Ward No. 6,  
Raman Cinema Road, Mansa, Punjab(151505).

2. Real Estate Regulatory Authority, Punjab, 1<sup>st</sup> Floor, Plot  
No. 3, Block B, Madhya Marg, Sector-18 A,  
Chandigarh(1660018)

....Contesting Respondents



APPEAL NO. 103 OF 2022 ALONG WITH APPEAL NO. 104 of 2022 TO  
APPEAL NO. 107 of 2022

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APPEAL NO. 161 of 2022

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Bathinda Development Authority, through its Chief Administrator, PUDA Complex, Bhagu Road, Bathinda, District Bathinda, Punjab(151001).

....Proforma Respondent

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Present: Mr. Balwinder Singh, Advocate for the appellant (Appeal No. 103 of 2022 and Appeal No. 104 of 2022 to Appeal No. 107 of 2022).

Mr. Ashish Grover, Advocate for the appellant (Appeal No. 161 of 2022)

**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. These appeals have been filed by the Estate Officer, PUDA, Bathinda (hereinafter known as the appellant) against the order dated 15.02.2022 (Appeal No. 103 of 2022 and Appeals No. 104 of 2022 to 107 of 2022) and 17.03.2022 (Appeal No. 161 of 2022) passed by the Real Estate Regulatory Authority, Punjab (hereinafter known as the Authority). We may briefly refer to the facts.

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2. The appellant undertook development of a real estate project named 'PUDA Enclave' at Mansa. The present respondents (hereinafter known as the allottees) booked plots in the said project and letter of intent and allotment letters were issued to them. The particulars of the plots, the price and the amount paid by the allottees are detailed as below:-

Sr. No.	Appeal No.	Complaint No.	No./Price of plot	Amount paid	Date of letter of intent	Date of allotment letter
1.	Appeal No. 107/22	ADC1601/20	No.263 Rs.14lacs	Rs.14,72,291/-	24.03.2014	06.07.2016
2.	Appeal No. 105/22	ADC1603/20	No.316PF Rs.22.05 lacs	Rs.21,33,897/-	24.03.2014	08.07.2016
3.	Appeal No. 103/22	ADC1607/20	No.248PF Rs.14.70lacs	Rs.14,14,875/-	06.05.2014	06.07.2016
4.	Appeal No. 104/22	ADC1608/20	No.267Corner Rs.23.10lacs	Rs.21,82,457/-	24.03.2014	11.06.2016
5.	Appeal No. 106/22	ADC1609/20	No.119 Rs.20,21,250/-	Rs.20,21,250/-	06.05.2014	05.07.2016
6.	Appeal No. 161/22	ADC1084/19	No.309 Rs.35 lacs	Rs.34,17,750/-	24.03.2014	11.07.2016



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3. The grievance of the allottees when they preferred a complaint before the Authority was limited to the delayed possession by the respondents and the fact that even when possession was offered/given to them it was without completion of the development works. It was averred by them that possession was to be given within 18 months from the date of issuance of allotment letter but when offer/possession was given, even till that time, the development works were not complete. The allottees therefore prayed for refund of the amounts paid by them along with interest.
4. The appellant took up the plea that the allottees have not availed their remedies under the provisions of the Punjab Urban Planning and Development Act, 1995 and as such the complaints before the Authority were not maintainable. It was further stated by them in their reply that in view of the arbitration clause in the allotment letter, the complaints were not maintainable. That apart on merits it was contended that under the provisions of the Punjab Regional and Town Planning and Development Act, 1995 the appellant had launched the scheme for 200 free hold residential plots at PUDA Enclave, Mansa. The allottees as applicants were





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successful in the draw of lots and letter of intent and allotment letters were issued to them in this regard. It was admitted that possession of the plots was to be handed over within 18 months but it was done prior to the stipulated date and offer of possession was indeed made on 27.12.2017 but the allottees did not take possession and gave no reason whatsoever for it and their assertion that development works were incomplete was vehemently denied. A reference was made to the proceedings of the meeting held under the chairmanship of the Chief Administrator dated 21.12.2017 and the report dated 22.11.2017 submitted by the Divisional Engineer, PUDA, Bathinda to claim completion of development works. It was further averred by them in their reply that it was not necessary for them to obtain completion/occupancy certificate as per Section 14 of the Punjab Apartment and Property Regulation Act, 1995.



5. The Authority concluded in favor of the allottees and held that the development works were not complete when possession was offered to the allottees. Annexure R2 dated 22.11.2017 by the Divisional Engineer, PUDA was discarded on the ground that it had not been issued by the competent authority. A reference was made to the

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instructions dated 02.09.2014 which prescribed, the Chief Administrator and the Additional Chief Administrator of the concerned Authority as the ones, competent to issue a completion certificate.

6. Since Annexure R2 was issued by three engineers and not by the competent authority it was commented upon adversely and the offer dated 27.12.2017 was held to be a meaningless offer.
7. Eventually while accepting the complaint of the allottees the Authority granted them their prayer to withdraw from the project and seek refund of the amounts deposited by them.
8. While concluding it observed in Para 9 as below :-

*'The complainants want to withdraw from the project and seek refund of their amounts. Hence, the contravention of the Act on the part of the respondents is squarely made out under the provisions of Section 18(1), read with Section 19(4), of the Act. As such, the respondents are directed to refund the amount as follows:-*

Sr. No.	Particulars of the complaint	Amount of Refund
1.	Complaint ADC No. 1601/2020- Harpreet Kaur Vs. Bathinda Development Authority and Another	Rs.14,72,291/-
2.	Complaint ADC No. 1603/2020- Amarjit Singh Vs. Bathinda Development Authority and Another	Rs.21,33,897/-





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3.	Complaint ADC No.1607/2020- Om Parkash Vs. Bathinda Development Authority and Another	Rs.14,14,875/-
4.	Complaint ADC No. 1608/2020- Raghbir Singh Vs. Bathinda Development Authority and Another	Rs.21,82,457/-
5.	Complaint ADC No. 1609/2020- Harjeet Singh Vs. Bathinda Development Authority and Another	Rs.20,21,250/-

*The respondents shall also be liable to pay interest on the above said amounts as per State Bank of India's highest marginal cost of lending rate (as of today) plus 2% in view of the provisions of Section 18(1) of the Act, read with Rule 16 of the Rules, with effect from the respective date of payments till realization and this amount shall be paid within 90 days from the date of this order."*

9. Aggrieved by the aforesaid the appeals have been preferred wherein learned counsel for the appellant raised similar arguments as the ones raised before the Authority to contend that under the Punjab Regional and Town Planning and Development Act, 1995 the engineers would be competent to issue a completion certificate.
10. To satisfy our curiosity we asked the learned counsel for the appellant to place on record the instructions dated 02.09.2014 which find mention in the impugned order.
11. It provides for a completion certificate and prescribes the competent authority to issue the same. For the purposes



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of reference completion certificate has been defined as below:-

*“Completion Certificate” means a certificate issued by the competent authority on written request of the applicant or promoter after completion of building works including all services or utilities as provided in the sanctioned buildings plans in case of a building and in case of a colony under the Punjab Apartment Property Regulation Act, 1995 or the Mega Projects policy on completion of development works viz. roads, water supply, sewerage and drainage system, street lightning parks and other utilities provided in the layout plan of the colony or project.”*

The Competent Authority in this very document has been defined as below:-

**I) Procedure for issue of completion/partial completion certificate:**

*“Completion Certificate” for the purpose of issue of completion/partial completion certificate means:-*

- i) Chief Administrator of concerned Development Authority for the land development projects approved under Punjab Apartment and Property Regulation Act, 1995 and Mega Projects Policy.
- ii) Additional Chief Administrator of concerned Development Authority for buildings under Group Housing, Commercial Complexes, Institutions, Hotels, Multiplexes & Public Buildings forming part of PAPRA/Mega Project.”





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12. Evidently, the policy instructions clearly defined the completion certificate and identified the competent Authority to issue a completion certificate upon recording its satisfaction regarding completion of development works viz roads, water supply, sewerage, drainage system, street lighting, parks and other utilities as provided in the lay out plan of the colony or project.
13. Learned counsel for the appellant argued that these instructions were of no avail and the Authority's reasoning based on it is erroneous, as under the Punjab Regional and Town Planning and Development Act, 1995 the competent authority would be the engineers.
14. No material in this regard has been shown to us and rather if we read the narration of the facts set out in the impugned order, it seems to belie the appellant's contention. It refers to a meeting dated 21.12.2017 under the chairmanship of the Chief Administrator and the report dated 22.11.2017 made by the Divisional Engineer, PUDA, Bathinda, resulting in Annexure R2 on record. If that be so then the argument that Annexure R2 was issued by an authority competent to do so, does not seem to carry much weight and neither does the argument of the learned counsel for the appellant with



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regard to the competence of three engineers to issue the completion certificate. Had it been so there was no occasion for the Chief Administrator to hold a meeting and obtain a certificate dated 22.12.2017.

15. De' hors this even Annexure R2, whether it is issued by the competent authority or not, is a meaningless document as it does not elaborately set out the nature of works that stood completed. It merely refers to civil works -executed up to 95%; public health works - executed up to 80%; electrical works - executed up to 75%.
16. It does not even remotely reflect the nature of development undertaken or completed at the ground level by the appellant. The policy instructions dated 02.09.2014 provides a glimpse into the nature of development works that ought to be reflected in a certificate setting out the details of the works executed in order to state whether in a project the development works were complete or not. Annexure R2 is woefully short of not only the requirements of law but also expectations of a layman if he has to understand the concept of development undertaken in a project.
17. By no stretch of imagination therefore, can it be said that the appellant has succeeded in establishing that the





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development works stood completed on the date when possession was offered/given to the complainants rendering such an offer meaningless. If that be so then there is nothing wrong with the allottees wishing to withdraw from the project.

18. Consequently we do not see any error of jurisdiction or law committed by the Authority in accepting the claims of the allottees, permitting them to withdraw from the project.
19. The appeals being without any merits are dismissed.

**Appeal No. 161 of 2022**

20. For the reasons stated in Appeal No. 103 of 2022 and Appeals No. 104 of 2022 to 107 of 2022 the present appeal is also disposed of in the same terms.

Files 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)**

October 06, 2022  
DS



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