

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

Subject: -

**APPEAL NO. 209 OF 2022**

Krishan Chand Goel (aged about 72 years) S/o Sh. Matu Ram Goel,  
R/o H.No. 38, Ward No. 02, Model Town Tohana, Tehsil Tohana,  
District Fatehabad.

...Appellant

Versus

Mukesh Goel Colonizers & Builders Pvt. Ltd. having its office at  
SCO No. 1 & 2, Peer Muchalla, NAC Zirakpur, S.A.S Nagar, Punjab-  
160104.

....Respondent

**APPEAL NO. 210 OF 2022**

Krishan Chand Goel (aged about 72 years) S/o Sh. Matu Ram Goel,  
R/o H.No. 38, Ward No. 02, Model Town Tohana, Tehsil Tohana,  
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160104.

....Respondent

Memo No. R.E.A.T./2023/

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 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 18th

day of April, 2023.



*Thomas J. Lawrence*

REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

**BEFORE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB**  
**SCO NO.95-98, BANK SQUARE, P.F.C. BUILDING, SECTOR-17B, CHANDIGARH**

**APPEAL NO. 209 OF 2022**  
**(ARISING OUT OF RERA/ADC NO.1338 OF 2019)**  
**(DATE OF DECISION: 06.10.2022)**

**MEMO OF PARTIES**

**KRISHAN CHAND GOEL (AGED ABOUT 72 YEARS) S/O SH. MATU**  
**RAM GOEL, R/O H.NO.38, WARD NO.2, MODEL TOWN, TOHANA,**  
**TEHSIL TOHANA, DISTRICT FATEHABAD**

**... APPELLANT**

**VERSUS**

**MUKESH GOEL COLONIZERS & BUILDERS PRIVATE LIMITED**  
**HAVING ITS OFFICE AT SCO NO.1 & 2, PEERMUCHALLA, NAC**  
**ZIRAKPUR, S.A.S. NAGAR, PUNJAB - 160104**

**... RESPONDENT**



**PLACE: CHANDIGARH**  
**DATED: 04.12.2022**

**MUNISH KUMAR GARG**  
**ADVOCATE**  
**(P/1752/2007) (PH223170)**  
**COUNSEL FOR THE APPELLANT**

**# FLAT NO.501, BLOCK-A, NEW**  
**GENERATION EXTENSION, DHAKOLI,**  
**ZIRAKPUR, DISTRICT S.A.S. NAGAR**  
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**BEFORE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB**  
 SCO NO.95-98, BANK SQUARE, P.F.C. BUILDING, SECTOR-17B, CHANDIGARH

**APPEAL NO. 210 OF 2022**  
**(ARISING OUT OF RERA/ADC NO.1339 OF 2019)**  
**(DATE OF DECISION: 06.10.2022)**

**MEMO OF PARTIES**

KRISHAN CHAND GOEL (**AGED ABOUT 72 YEARS**) S/O SH. MATU  
 RAM GOEL, R/O H.NO.38, WARD NO.2, MODEL TOWN, TOHANA,  
 TEHSIL TOHANA, DISTRICT FATEHABAD

... **APPELLANT**

VERSUS

MUKESH GOEL COLONIZERS & BUILDERS PRIVATE LIMITED  
 HAVING ITS OFFICE AT SCO NO.1 & 2, PEERMUCHALLA, NAC  
 ZIRAKPUR, S.A.S. NAGAR, PUNJAB - 160104

... **RESPONDENT**



**PLACE:** CHANDIGARH  
**DATED:** 04.12.2022

**MUNISH KUMAR GARG**  
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 (MOHALI) - 160104**  
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**BEFORE THE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB  
AT CHANDIGARH**

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**APPEAL NO. 209 OF 2022**

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R/o H.No. 38, Ward No. 02, Model Town Tohana, Tehsil Tohana,  
District Fatehabad.

...Appellant

Versus

Mukesh Goel Colonizers & Builders Pvt. Ltd. having its office at  
SCO No. 1 & 2, Peer Muchalla, NAC Zirakpur, S.A.S Nagar, Punjab-  
160104.

....Respondent

**APPEAL NO. 210 OF 2022**

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...Appellant

Versus

Mukesh Goel Colonizers & Builders Pvt. Ltd. having its office at  
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160104.

....Respondent

\*\*\*

**Present:** - Mr. Munish Kumar Garg, Advocate for the appellant.  
None for the respondent.



**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)**  
**(ORAL)**



## Appeal Nos. 209 & 210 of 2022

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1. This appeal is directed against the order dated 06.10.2022 passed by the Real Estate Regulatory Authority, Punjab (hereinafter known as the Authority) vide which the complaint was dismissed as the counsel for the appellant failed to argue the matter despite several opportunities.
2. We had issued notice to the respondent, who appeared and filed his memorandum of appearance. Thereupon, the matter was adjourned to 27.02.2023 with a direction that the respondent would file his power of attorney during the course of proceedings, which has still not been done.
3. Today when the case was called out there was no appearance on behalf of the respondent. Be that as it may, we have perused the impugned order and notice that the complaint has been dismissed on the ground that despite sufficient opportunities granted to the complainant to argue his case before the Authority, the same was not done.
4. We cannot find fault with the approach of the Authority in such a situation, when there has been <sup>a</sup> repeated default in prosecuting the matter effectively despite the opportunities granted by the Authority.



Appeal Nos. 209 & 210 of 2022

5. Learned counsel for the appellant states that the fault is entirely with the counsels who were pursuing the matter and therefore the litigant should not suffer on this count. He further states that if only one opportunity is granted to him, he would submit his arguments before the Authority.
6. The imposition of costs as a panacea for settling equities is an accepted norm, as held in various judicial pronouncements. Hence we would adopt the same principle. Consequently, the impugned order is set aside subject to a payment of Rs.15,000/- as costs in both appeals which the counsel for appellant shall deposit before the Real Estate Regulatory Authority, Punjab within a period of two weeks.
7. The appellant shall submit himself to the jurisdiction of Authority on 08.05.2023 with a proof of having deposited the costs, where after the Authority shall assign the date for the proceedings.

8. 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)**

April 10, 2023  
AG

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

18/04/2023