

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

Subject: -

APPEAL NO. 12 OF 2023

M/s Omaxe Chandigarh Extension Developers Pvt. Ltd., Regd.
Office: India Trade Tower, 1st Floor, Chandigarh-Siswan Road,
Mullanpur, New Chandigarh, SAS Nagar, Mohali-140901,
Punjab through its authorized representative Mr. Deepanjit
Singh son of Sh. Satwant Singh.

...Appellant

Versus

Jaswinder Singh, 162-F, Shaheed Bhagat Singh Nagar,
Pakhawal Road, Ludhiana, Punjab.

....Respondent

Memo No. R.E.A.T./2023/ 181

To,

REAL ESTATE REGULATORY AUTHORITY, PUNJAB 1ST FLOOR,
BLOCK B, PLOT NO.3, MADHYA MARG, SECTOR-18,
CHANDIGARH-160018.

Whereas appeal 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 24th
day of April, 2023.

T. Hanumanth Kumar

REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

BEFORE THE HON'BLE REAL ESTATE APPELLATE
TRIBUNAL, PUNJAB

APPEAL NO. 12 OF 2023

IN THE MATTER OF:

M/s Omaxe Chandigarh Extension Developers Pvt. Ltd., Reġd. Office:
India Trade Tower, 1st Floor, Chandigarh – Siswan Road, Mullanpur, New
Chandigarh, SAS Nagar, Mohali - 140901, Punjab through its authorized
representative Mr. Deepanjit Singh son of Sh. Satwant Singh

...Appellant

Versus

Jaswinder Singh, 162-F, Shaheed Bhagat Singh Nagar, Pakhowal
Road, Ludhiana, District Ludhiana, Punjab

...Respondent



Place: Chandigarh

Dated: 27.03.2023

A-S
(ARJUN SHARMA & RAMANDEEP KALEKA)

ADVOCATES

COUNSELS FOR THE APPELLANT

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

APPEAL NO.12 OF 2023

M/s Omaxe Chandigarh Extension Developers Pvt. Ltd., Regd.
Office: India Trade Tower, 1st Floor, Chandigarh-Siswan Road,
Mullanpur, New Chandigarh, SAS Nagar, Mohali-140901,
Punjab through its authorized representative Mr. Deepanjit
Singh son of Sh. Satwant Singh.

...Appellant

Versus

Jaswinder Singh, 162-F, Shaheed Bhagat Singh Nagar,
Pakhawal Road, Ludhiana, Punjab.

....Respondent

Present: Mr. Arjun Sharma, Advocate for the appellant.
Mr. M.S Longia, Advocate 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)

1. This appeal has been filed after a delay of more than 520 days. If we see the application there is hardly any ground on which it can be condoned because except for a stray assertion made that 'there was some change in management of the Company, due to which the present



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appeal could not be filed', there is no plausible reason, which can persuade us to condone the delay. If the delay had been marginal then also we could have exercised our discretion but in the case of such an enormous delay for which no justifiable reasons have been given, it becomes difficult for us to accept an application in this regard.

2. Be that as it may, we have perused the impugned order dated 06.08.2021 passed by the Real Estate Regulatory Authority, Punjab (hereinafter known as the Authority) to satisfy ourselves and conclude about its validity, regardless of the delay, lest the interest of the justice is defeated.
3. There is no dispute that the allotment letter was signed by the parties, envisaging the delivery of flat/apartment within 48 months of the signing of the allotment letter i.e. 11.03.2019. The appellant has stated before us that the period of 48 months ought to be calculated in terms of the allotment letter itself which states that Sundays and Bank holidays have to be excluded in computation of such a period.
3. The Authority discarded this reasoning holding this clause to be oppressive to the allottee and being one sided. We would readily agree with it, in view of the observations made by the Hon'ble Supreme Court in



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**Pioneer Urban Land & Infrastructure Ltd. Vs.
Govindan Raghavan, Civil Appeal No.12238 of 2018.**

That being the solitary ground agitated before us, we are of the opinion that this argument is unsustainable for the reasons mentioned above.

4. Consequently we dismiss the appeal not only on the grounds of delay but also on merits.
5. The amount deposited by the appellant as a measure of compliance of Section 43(5) of the Act be released to the respondent after due verification in accordance with law.

File be consigned to the record room.



Sdr
**JUSTICE MAHESH GROVER (RETD.)
CHAIRMAN**

Sdr
**S.K. GARG, D & S. JUDGE (RETD.)
MEMBER (JUDICIAL)**

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

**April 17, 2023
AG**

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

24/04/2023