

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

Subject: -

APPLICATION NO. 53 OF 2023

IN APPEAL NO. 09 OF 2023

Monika Rani W/o Sh. Suresh Kumar R/o HN-605, Sector-11,
Panchkula-134109.

...Appellant/Applicant

Versus

1. Real Estate Regulatory Authority, Punjab, Chandigarh, Through its Chairman, FF, Block-B, Plot No.3, Sector-18/A, Chandigarh-160018.
2. Unicity Business Centre (through authorized partners), No.123, FF, Near JP Hospital, Zirakpur, Distt. SAS Nagar (Mohali) – 140107.
3. Sushil Kumar Bindal, Partner, HN-58, Sector-9, Panchkula-134113.
4. Vinod Goyal, Partner, HN-325, Sector-9, Panchkula-134113.

....Respondents/Non-applicants

APPLICATION NO. 54 OF 2023

IN APPEAL NO. 10 OF 2023

Anjani Kumar S/o Late Sh. Om Parkash R/o Chauri Gali,
Budhlada, Distt. Mansa, Pb, Pin-151502.

...Appellant/Applicant

Versus

1. Real Estate Regulatory Authority, Punjab, Chandigarh, Through its Chairman, FF, Block-B, Plot No.3, Sector-18/A, Chandigarh-160018.
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....Respondents/Non-applicants



APPLICATION NO. 55 OF 2023

IN APPEAL NO. 11 OF 2023

Monu Garg S/o Sh. Surinder Garg R/o HN-1595, Sector-21,
Panchkula-134109.

...Appellant/Applicant

Versus

1. Real Estate Regulatory Authority, Punjab, Chandigarh, Through its Chairman, FF, Block-B, Plot No.3, Sector-18/A, Chandigarh-160018.
2. Unicity Business Centre (through authorized partners), No.123, FF, Near JP Hospital, Zirakpur, Distt. SAS Nagar (Mohali) – 140107.
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....Respondents/Non-applicants

Memo No. R.E.A.T./2023/ 198

To,

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



Whereas applications in 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 applications in 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 16th
day of May, 2023.

Dhanendra Kumar

REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

1

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

Appeal No. 09 /2023
IN
GC0398/2022 UR

In the matter of:-

Monika Rani

--- Appellant

VS

Pb. Real Estate Regulatory Authority & others

--- Respondents

Memo of parties

Monika Rani, W/O Sh.Suresh Kumar, R/O HN-605, Sector-11,
Panchkula-134109

---Appellant

VS

1. **Real Estate Regulatory Authority, Punjab, Chandigarh**,
Through its Chairman, FF, Block-B, Ploy No.3, Sector-18/A,
Chandigarh-160018.

2. **Unicity Business Centre** (Through authorised partners), No.123,
FF, Near JP Hospital, Zirakpur, Distt SAS Nagar (Mohali) -
140107.

3. **Sushil Kumar Bindal**, Partner, HN-58, Sector-9, Panchkula-
134113.

4. **Vinod Goyal**, Partner, HN-325, Sector-9, Panchkula-134113.

--- Respondents

Place: Chandigarh

Dare: 20.03.023


Parveen Gupta

Advocate

Counsel for Appellant

1

**BEFORE REAL ESTATE APPELLATE TRIBUNLA,
PUNJAB, CHANDIGARH**

Appeal No. 10 /2023

IN

GC0400/2022 UR

In the matter of:-

Anjani Kumar --- Appellant

VS

Pb. Real Estate Regulatory Authority & others --- Respondents

Memo of parties

Anjani Kumar, S/O Late Sh. Om Parkash, R/O-Chauri Gali, Budhlada,
Distt. Mansa, Pb, Pin-151502

---Appellant

VS

1. **Real Estate Regulatory Authority, Punjab, Chandigarh**,
Through its Chairman, FF, Block-B, Ploy No.3, Sector-18/A,
Chandigarh-160018.


2. **Unicity Business Centre** (Through authorised partners), No.123,
FF, Near JP Hospital, Zirakpur, Distt SAS Nagar (Mohali) -
140107.

Sushil Kumar Bindal, Partner, HN-58, Sector-9, Panchkula-
134113.

4. **Vinod Goyal**, Partner, HN-325, Sector-9, Panchkula-134113.

--- Respondents

Place: Chandigarh
Dare: 20.03.023


Parveen Gupta
Advocate
Counsel for Appellant



/

**BEFORE REAL ESTATE APPELLATE TRIBUNLA,
PUNJAB, CHANDIGARH**

Appeal No. 11 /2023

IN

GC0401/2022 UR

In the matter of:-

Monu Garg

--- Appellant

VS

Pb. Real Estate Regulatory Authority & others

--- Respondents

Memo of parties

**Monu Garg, S/O Sh.Surinder Garg, R/O HN-1595, Sector-21,
Panchkula-134109**

---Appellant

VS

1. **Real Estate Regulatory Authority, Punjab, Chandigarh,**
Through its Chairman, FF, Block-B, Ploy No.3, Sector-18/A,
Chandigarh-160018.
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134113.
4. **Vinod Goyal**, Partner, HN-325, Sector-9, Panchkula-134113.

--- Respondents



Parveen Gupta
Advocate

Counsel for Appellant

Place: Chandigarh

Dare: 20.03.2023



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

APPLICATION NO. 53 OF 2023

IN APPEAL NO. 09 OF 2023

Monika Rani W/o Sh. Suresh Kumar R/o HN-605, Sector-11,
Panchkula-134109.

...Appellant/Applicant

Versus

1. Real Estate Regulatory Authority, Punjab, Chandigarh, Through its
Chairman, FF, Block-B, Plot No.3, Sector-18/A, Chandigarh-
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APPLICATION NO. 54 OF 2023

IN APPEAL NO. 10 OF 2023

Anjani Kumar S/o Late Sh. Om Parkash R/o Chauri Gali,
Budhlada, Distt. Mansa, Pb, Pin-151502.

...Appellant/Applicant

Versus

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Chairman, FF, Block-B, Plot No.3, Sector-18/A, Chandigarh-
160018.
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Monu Garg S/o Sh. Surinder Garg R/o HN-1595, Sector-21,
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...Appellant/Applicant

Versus

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160018.
2. Unicity Business Centre (through authorized partners), No.123, FF,
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134113.
4. Vinod Goyal, Partner, HN-325, Sector-9, Panchkula-134113.

....Respondents/Non-applicants

Present: Mr. Parveen Gupta, Advocate for the appellant-
applicants.



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 is an application seeking recall of our order dated
10.04.2023 vide which the appellants/applicants had
sought permission to withdraw the appeals, after arguing
at length, which permission we had granted.

2. In the applications listed today the appellants/applicants has explained in para 3 and 4, the reasons for approaching this Court.
3. We have heard the learned counsel for the appellants/applicants and are unable to persuade ourselves to grant him any meaningful consideration in the applications or to grant his prayer made therein. When any learned counsel makes a prayer or a statement at the bar, the same is honoured particularly when the prayer is made by a counsel of some standing, who is expected to understand the consequences of making a statement.
4. Be that at it may, we do not intend to comment upon the conduct of the learned counsel for the appellants/applicants. Even otherwise if we see the impugned order there is no merit in the appeal. Initially the complainants who are the present appellants/applicants filed a complaint under Section 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter known as the Act), read with Rule 37 of the Punjab State Real Estate (Regulation and Development) Rules, 2017 (hereinafter known as the Rules). All these complaints were made on similar grounds and were decided on 17.02.2022 through a



common order. While doing so, the Hon'ble Bench of the Real Estate Regulatory Authority, Punjab (hereinafter known as the Authority) had relied upon the judgment of the Hon'ble Supreme Court in "M/s. NEWTECH PROMOTERS AND DEVELOPERS PVT. LTD. VERSUS STATE OF UP & ORS.ETC." wherein it had been held that a complaint under Section 31 of the Act in case of un-registered projects was not maintainable.

5. This was never impugned by the learned counsel for the appellants/applicants by preferring an appeal if he had a cause of grievance against it.
6. Instead he filed a subsequent complaint on the same set of facts which was dismissed by the Authority on the ground that answering it afresh would amount to reviewing its earlier orders dated 16.02.2023 passed on a similarly worded complaint. The appellants/applicants through present appeals have questioned the order of the Authority dated 16.02.2023. We do not find any infirmity therein for the reason that the impugned order is completely justified. The appellants/applicants had the liberty to assail the order dated 17.02.2022 in the first instance and having failed to do so the second complaint on the same cause of action would clearly be not maintainable.



5

7. It is for the counsel and the parties to be correctly advised on the issue, but finding no illegality in the impugned order and finding no justification in the prayer made in the applications we decline interference in Application No. 53 of 2023, Application No. 54 of 2023 and Application No. 55 of 2023 in Appeal No. 09 of 2023, Appeal No. 10 of 2023 and Appeal No. 11 of 2023 respectively.
8. Dismissed as above.

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)

May 11, 2023
DS

Certified To Be True Copy

Dhanraj Kaur
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh

16-5-2023