

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

Subject: -

**APPEAL NO. 08 of 2023**

Smt. Satnam Kaur Chadha Proprietor: SK City, House  
No.1059, Phase-5, District SAS Nagar (Mohali), Punjab-  
160059, through its Proprietor Smt. Satnam Kaur Chadha  
...Appellant

Versus

Real Estate Regulation Authority, Punjab at Chandigarh  
through its Registrar (Legal) office at 1<sup>st</sup> Floor, Plot No.3,  
Block-B, Madhya Marg, Sector 18-A, Chandigarh .

....Respondent

Memo No. R.E.A.T./2023/ 354

To,

REAL ESTATE REGULATORY AUTHORITY, PUNJAB 1<sup>ST</sup> 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 27th  
day of September, 2023.

*Dhanendra Kumar*  
REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

**APPEAL UNDER SECTION 44 OF RERA ACT**

Appeal No. 08 of 2023

**Memo of Parties**

Smt. Satnam Kaur Chadha Proprietor: SK City, House No. 1059, Phase-5, District SAS Nagar (Mohali), Punjab- 160059, through its Proprietor Smt. Satnam Kaur Chadha.


----- Appellant

**Versus**

The Real Estate Regulatory Authority, Punjab at Chandigarh through its Registrar (Legal), 1<sup>st</sup> Floor, Plot No. 3, Block-B, Madhya Marg, Sector 18-A, Chandigarh



----- Respondent

  
(PANKAJ SHARMA)  
(Chartered Accountants)  
Counsels for the Appellant

**Place: Chandigarh**  
**Date: 17.03.2023**

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AT CHANDIGARH

APPEAL NO. 08 OF 2023

SMT. SATNAM KAUR CHADHA

VERSUS

THE REAL ESTATE REGULATORY AUTHORITY, PUNJAB.

\*\*\*

**Present: -** Mr. Pankaj Sharma (C.A), for appellant.  
Mr. Vipul Joshi, Advocate and Mr. Jaspal Singh Khara, Assistant Manager (Legal) RERA, Punjab.

\*\*\*

The appellant is in appeal against the order dated 16.12.2022 passed by the Real Estate Regulatory Authority (hereinafter known as the Authority).

The appellant before us is the widow of Sh. Kulbir Singh who was promoting the development of his project. Proceedings were initiated against her when a show cause notice was issued under Section 60 of the Real Estate Regulation Act (hereinafter known as the Act), asking to show cause why penalty be not imposed upon her for violating and contravening the provisions of Section 4(2)(1)(d).

The Authority noticed in the impugned order that the promoter was required to furnish the audited annual accounts statement for the year 2020-21 (later clarified as 2021-22) in form No.5 of Regulation 4 by 31.10.2021 and his failure to do so led to the passing of the impugned order. A penalty of Rs.1,00,000/- was imposed upon the present appellant by taking the estimated cost of the project as Rs.1,63,98,783/-, and 5% of which would come to Rs.8,19,939/-. According to the Authority a lenient view was taken considering that the default was solitary and not repetitive.

Sh. Pankaj Sharma, Chartered Accountant, as an authorized representative of the appellant Smt. Satnam Kaur Chaddha has appeared and argued that the impugned order was passed without taking into





consideration the stand of the respondent which however could not be brought on record in view of the untimely death of her husband but later on the Authority was apprised of it. In para 2 of the impugned order the Authority has observed that the notice was issued to the appellant on 01.11.2022 and the matter fixed for hearing on 11.11.2022. This notice was duly received by the appellant on 04.11.2022 but none appeared. Reminders in this regard also did not ensure the presence of the appellant.

The authorized representative of the appellant contends that her husband was prosecuting the proceedings but he expired on 03.08.2022 and the final order was passed on 16.12.2022. From here he wanted us to derive an inference that the death being in close proximity to the passing of the impugned order would suggest her inability to appear on account of this intervening factor. We have noticed this contention in detail while issuing notice to respondent in our order dated 18.05.2022.

Sh. Vipul Joshi learned counsel for the respondent has justified the impugned order on the ground that sufficient opportunity was given to the appellant to bring forward the explanation for non-compliance of the provisions of law regarding which a notice was issued and duly served upon the appellant. He further argued that no procedural violation has been pointed out and thus the impugned order is justified particularly when a reasonable view has been taken by the Authority.

We have heard the parties at some length.

To be fair to the appellant, she has not questioned the service of notice upon her. Even otherwise, this is a question of fact based on record. She has however pleaded that her husband was looking after the affairs of the project and financial returns etc. were also being looked after by him. She, therefore, had no knowledge of the intricacies of the procedures before the Authority or the project but came to know of the impugned order when her husband had expired. Emphasis has been laid on the date of her husband's death as 03.08.2022 whereas the impugned order is dated



December 2022 and prior to that the last hearing was on 11.11.2022 and final remainder on 01.12.2022. She even submitted before the Authority that annual return in form 5 had been submitted on 07.12.2022, before the passing of impugned order on 16.12.2022. This last fact of having submitted the return has not found mention in the impugned order. When we take the facts of the case into consideration in totality we are of the opinion that it would merit a re-consideration by the Authority particularly in light of the fact of having filed the return on 07.12.2022. Indeed the Authority would be within its right to look into the impact of filing such a return but for this a fresh hearing would be essential. We, therefore, set aside the impugned order in the above notice facts and circumstances and request the Authority to look into the entire aspect again to obviate any chance of miscarriage of justice. The appellant shall put in appearance before the Authority on 09.11.2023.



The appeal stands disposed of.

*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)

September 18, 2023

AG

Certified To Be True Copy  
*Shanoo Kaur*  
Registrar  
Real Estate Appellate Tribunal Punjab  
Chandigarh  
27/09/2023