

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

Subject: -

**Appeal No.43 of 2023**

M/s Wooden Heights Developers Pvt. Ltd. having registered office at GH Site No.1, Preet City, Sector 86, SAS Nagar through its Authorized Representative/Director namely, Naushad Wats

...Appellant

Versus

1. Rohan Bansal Son of Raman Bansal R/o H.No.3257, Sector 21, Chandigarh
2. M/s Shaurya Townships Pvt. Ltd. address at Group Housing Site No.1, Sector 86, SAS Nagar, Punjab through its Director(s)
3. M/s Preet Land Promoters & Developers Pvt. Ltd. having registered Office at SCO 672, Sector 70, SAS Nagar, Punjab through its Director
4. Real Estate Regulation Authority, Punjab having registered office at 1st Floor, Plot No.3, Block-B, Madhya Marg, Sector 18-A, Chandigarh through its Chairperson

....Respondents

Memo No. R.E.A.T./2024/ 17

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

19th day of January, 2024.

*Dhanendra Kumar*

REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

**IN THE REAL ESTATE APPELLATE TRIBUNAL PUNJAB**Appeal No. 43 of 2023

In G C No. 0199 of 2023

(Pending for 03.10.2023)

IN THE MATTER OF:

**MEMO OF PARTIES**

1. M/s Wooden Heights Developers Pvt. Ltd. having registered office at GH Site No. 1, Preet City, Sector 86, SAS Nagar through its Authorized Representative/Director namely, NAUSHAD WATS

...Appellant(s)

VERSUS



1. Rohan Bansal Son of Raman Bansal R/o H. No. 3257, Sector 21, Chandigarh.

M. – 9876901300

E-mail – hcbuilders37@gmail.com

2. M/s Shaurya Townships Pvt. Ltd. address at Group Housing Site No. 1, Sector 86, SAS Nagar, Punjab through its Director(s).

M. 9417428383

E-mail – shauryatownships@gmail.com

3. M/s Preet Land Promoters & Developers Pvt. Ltd. having registered office at SCO 672, Sector 70, SAS Nagar, Punjab through its Director

M. – 7696797979

E-mail – plpmohali@yahoo.com

4. REAL ESTATE REGULATION AUTHORITY, PUNJAB having registered office at 1st Floor, Plot no 3, Block –B, Madhya Marg, Sector 18-A, Chandigarh through its Chairperson.

...Respondent(s)

Chandigarh  
21.08.2023



Appellant  
Sh. Naushad Wats  
Authorized Representative  
M/s Wooden Heights Developers Pvt. Ltd.

Through Counsel



  
DEEPAK GIROTRA

  
AKSHIT GROVER

ADVOCATES

P – 842/1999

D – 5245/2019

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COUNSELS FOR APPELLANT



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

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**Appeal No.43 of 2023**

M/s Wooden Heights Developers Pvt. Ltd. having registered office at GH Site No.1, Preet City, Sector 86, SAS Nagar through its Authorized Representative/Director namely, Naushad Wats  
...Appellant

Versus

1. Rohan Bansal Son of Raman Bansal R/o H.No.3257, Sector 21, Chandigarh
2. M/s Shaurya Townships Pvt. Ltd. address at Group Housing Site No.1, Sector 86, SAS Nagar, Punjab through its Director(s)
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4. Real Estate Regulation Authority, Punjab having registered office at 1<sup>st</sup> Floor, Plot No.3, Block-B, Madhya Marg, Sector 18-A, Chandigarh through its Chairperson

....Respondents

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**Present: -** Mr. Deepak Girotra and Mr. Akshit Grover, Advocates for the appellant  
Mr. Paritosh Vaid, Advocate for Respondnet No.2.  
Ms. Tania Mahajan, Advocate for Respondent No.3  
Mr. Prashant Rana, Advocate for respondent No.4.



**CORAM: JUSTICE MAHESH GROVER (RETD.), CHAIRMAN**

**SH. S.K. GARG DISTT. & SESSIONS JUDGE (RETD.),  
MEMBER (JUDICIAL)**

**JUDGMENT: (JUSTICE MAHESH GROVER (RETD.), CHAIRMAN)  
(Oral)**

1. In this appeal order dated 25.07.2023 and 18.08.2023, have been impugned.
2. It is not in dispute that the application for transfer of the promoters' project is pending before the Authority under the Act.
3. The impugned orders passed are clearly interim orders as is evident from the record where while invoking Section 8 of the Act, its consequences have been inflicted upon the appellant purportedly as an interim measure while the main proceedings had been adjourned to 03.10.2023.

4. The instant appeal was filed against those interim orders visiting serious consequences upon the appellant and we upon hearing the learned counsel for the applicant had passed an interim order dated 24.08.2023, to the following effect:

*In the meantime, the operation of the impugned order shall remain stayed. However, it is made clear that the appellant shall not create any third party rights in the project by*





**Appeal No.43 of 2023**

**3**

*advertising or proposing to sell any part of the project till further orders.*

5. During the course of proceedings however, an undertaking has been filed by the appellant on 10.01.2024, wherein the appellant has bound itself to the following:

*5. That the deponent further undertakes to comply with the interim order or any other order passed by this Hon'ble court. Further the deponent undertakes on the behalf of the appellant company that the appellant company will not advertise or initiate in the project till the completion of all legal formalities for the transfer of the promoter of the project.*

*6. That the deponent further submits that till the time all the legal formalities of transfer of the promoter of the project are not complied with, the appellant company will only construct and develop the project which is in the interest of allottees.*

6. It was submitted before us that the appellant shall abide by the aforestated undertaking till the time his application is decided by the Authority.



7. In view of the above stand of the appellants we do not deem it appropriate to proceed with the matter any further, particularly when what has been impugned before us are interim directions passed by the Authority. But the impugned orders are clearly unsustainable as the Authority was in error in passing the impugned directions through interim orders when they virtually have an effect of deciding the main

**Appeal No.43 of 2023**

**4**

proceedings. It is a settled law that such a course is impermissible.

8. We therefore dispose of the appeal in terms of the undertaking as above, which along with the order dated 24.08.2023 passed by us shall hold good till the time the application/proceedings before the Authority in the aforestated matter is concluded.
9. We also direct that the Authority shall conclude the proceedings in hand, within a period of one month from the date of receipt of our orders.
10. The appeal is disposed of as above.



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

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

**January 18, 2024**

**SB**

**Certified To Be True Copy**

*Shanendra Kumar*  
Registrar  
Real Estate Appellate Tribunal Punjab  
Chandigarh

*19/01/2024*