

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

Subject: -

APPEAL NO. 16 of 2024

M/s Shourya Towers Pvt. Ltd.

Located at Surya Enclave, near Trinity Collage Amritsar Bye-Pass
Road, Distt. Jalandhar, Punjab-144009

...Appellant/Complainant

Versus

Real Estate Regulatory Authority Punjab

1st Floor, Plot No.3, Block B, Madhya Marg,, Sector 18-A,
Chandigarh

....Respondents/Opposite Parties

Appeal No.17 of 2024

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Memo No. R.E.A.T./2024/ 44.

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 orders 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 **09th day of February, 2024.**

Dhanraj Jaiswal

REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB



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

APPEAL No. 16 OF 2024

M/s Shourya Towers Pvt. LtdAppellant

Versus

Real Estate Regulatory Authority PunjabRespondent

MEMO OF PARTIES

M/s Shourya Towers Pvt. Ltd

Located at Surya Enclave, near Trinity Collage Amritsar Bye-Pass Road, Distt.

Jalandhar, Punjab- 144009

...Appellant

Versus

Real Estate Regulatory Authority Punjab

Ist Floor, Plot No.3, Block B, Madhya Marg, Sector 18A, Chandigarh

...Respondent

Place: Chandigarh

Date: 20/1/24

Through Counsel

Mohit

Pooja Manisha Maggu

Mohit Dhiman & Pooja & Manisha Maggu
(PH/5981/2021) & (PH/2251/2019) & (PH/3341/2022)

(Advocates)

Counsel for the Appellant

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

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M/s Shourya Towers Pvt. Ltd

Located at Surya Enclave, near Trinity Collage Amritsar Bye-Pass
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Versus

Real Estate Regulatory Authority Punjab

1st Floor, Plot No.3, Block B, Madhya Marg, Sector 18A, Chandigarh

...Respondent

Place: Chandigarh

Date: 20/1/24

Through Counsel

Mohit

Pooja

*manisha
maggu*

Mohit Dhiman & Pooja & Manisha Maggu
(PH/5981/2021) & (PH/2251/2019) & (PH/3341/2022)
(Advocates)

Counsel for the Appellant

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

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1st Floor, Plot No.3, Block B, Madhya Marg,, Sector 18-A,
Chandigarh

....Respondents/Opposite Parties

Present: - Mr. Mohit Dhiman, Advocate for appellant.

CORAM: JUSTICE MAHESH GROVER (RETD.), CHAIRMAN

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

MEMBER (JUDICIAL)

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

1. By this order we shall dispose of two appeals bearing No.16 of 2024 and 17 of 2024 titled M/s Shourya Towers Pvt. Ltd. Vs. Real Estate Regulatory Authority, Punjab and M/s Shourya

APPEAL No.16 & 17 OF 2024

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Towers Pvt. Ltd. Vs. Real Estate Regulatory Authority, Punjab, directed against the impugned order dated 31.01.2023 passed by the Real Estate Regulatory Authority (herein after known as the Authority).

2. The appellant defaulted in furnishing the audited annual account statements for the years 2018-19, 2019-20, 2020-21, 2021-22 and thus, violated the third proviso to Section 4(2)(1)(D) of the Real Estate Regulation and Development Act, 2016. Notice was issued to him as to why penalty under Section 60 be not imposed which was contested by the appellant but since, no satisfactory explanation was given, the Authority imposed a penalty for default of each year separately but the amount cumulatively came to Rs.2,50,000/- in Appeal No.16 of 2024 and Rs. 3,75,000/-in Appeal No.17 of 2024.

3. For the purposes of the clarity it is mentioned that in Appeal No.16 of 2024 a penalty of Rs.1,00,000/-, Rs.75,000/-, Rs. 50,000/-, Rs.25,000/- (totaling to Rs.2,50,000/-) was imposed for the years 2018-19, 2019-20, 2020-21, 2021-2022 respectively and in Appeal No.17 of 2024 a penalty of Rs.1,25,000/-, Rs.1,00,000/-, Rs.75,000/- Rs.50,000/-, Rs.25,000/- (totaling to Rs.3,75,000/-) was imposed for the years 2017-18, 2018-19, 2019-20, 2020-21 and 2021-22 respectively.

4. Aggrieved thereof the present appeals have been filed with the grievance that the penalty is not only excessive but the order displays arbitrariness as no parameters have been disclosed

by the Authority in the impugned order before inflicting such a huge amount.

5. We have heard learned counsel for the appellant.
6. Clearly the appellant is in default of the statutory provisions by not filing the audited financial statement in time, the default is not singular, it is continuous since 2018-19. Plea of ignorance of law as raised by the appellant has to be negated in view of the settled position of law in this regard.
7. Likewise, we are unable to accept the plea of penalty being excessive for the simple reason that the default has been continuous and for a number of years. Even otherwise simply because the appellant perceives a penalty as excessive can be no ground for interference and form a reason to substitute our opinion in preference to the one by the Authority. The quantum of penalty ought to be interfered with only if it is shown to be highly disproportionate to the default. In the instant case the penalty imposed has been graded as noticed above, and the defaults have been multifarious.
8. Therefore, we cannot term the reasoning preceding the imposition of penalty to be perverse or so aggravated to warrant an interference. These appeals are therefore dismissed.
9. We do however find some merit in the plea of the appellant that it would be desirable to apply a uniform yardstick in imposition of penalty proportionate to the defaults and the amount so imposed should not be seen as whimsical. The Authority would do well to formulate through an internal



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mechanism some methodology to establish unanimity or near uniformity in the impositions of such penalties. Dismissed as above.

Sdr
JUSTICE MAHESH GROVER (RETD.)
CHAIRMAN

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

February 05, 2024
SR *HS*

Certified To Be True Copy

Dr. Anand Kumar
Registrar
Real Estate Appellate Tribunal Punjab
Jalandhar

09/02/2024