

**REAL ESTATE APPELLATE TRIBUNAL, PUNJAB,  
SAS NAGAR (MOHALI)**

**Appeal No. 57 of 2019**

1. Bharat Bhushan, S/o Sh. Harish Kumar, SCO No. 1 and SCO No. 9, Old Tehsil Complex Barnala, r/o Khothi No. 63, 22 Acre, Area, Barnala.
2. Dr. Suresh Kumar Singhal, S/o Sh. Narsingh Lal Singhal, SCO No. 2, , Old Tehsil Complex Barnala, r/o House No. B-1/457, Handiaya Bazaar Barnala.
3. Parveen Kumar S/o Sh. Lal Chand, SCO No. 3, Old Tehsil Complex, Barnala, R/o B-X-2014, Ahata Narain Singh, Barnala.
4. Hari Chand s/o Sh. Panna Lal, SCO No. 4, Old Tehsil Complex Barnala, R/o House No. 290, Aastha Enclave Barnala.
5. Vinod Kumar, S/o Sh. Charanjit Lal, SCO No. 5, Old Tehsil Complex Barnala, r/o K.C Road Street No. 3, Barnala.
6. Ashok Kumar, S/o Sh. Randhir Singh, SCO No. 6, Old Tehsil Complex, Barnala, R/o Flat No. 91, Pocket-2, Sector 19, Green View Apartments, Dwarka, New Delhi-110075.
7. Rohit Kumar S/o Sh. Rajesh Kumar, SCO No. 7, Old Tehsil complex Barnala, r/o K.C. Road, House No. 886, Street No. 5 Barnala.
8. Rajesh Kumar, S/o sh. Jawahar Lal, SCO No. 8, Old Tehsil complex Barnala, R/o K.C. Road, House No. 886, Street No. 5 Barnala.
9. Achal Kumar S/o Sh. Prakash Chand, SCO No. 10, Old Tehsil Complex Barnala, R/o B-IV/10, Parbhat Cinema Street Barnala.

....Appellants

**Versus**

## APPEAL NO. 57 OF 2019

1. Punjab Urban Development Authority (PUDA), Sector-62, SAS Nagar, Mohali through its Chief Administrator.
2. Estate Officer, Punjab Urban Development Authority, Patiala.

....Respondents

**Present:** Sh. Ashok Gupta, Advocate for the appellants.  
Sh. Bhupinder Singh, Advocate for the respondents.

**QUORUM: JUSTICE RAJIVE BHALLA, (RETD), CHAIRMAN**  
**S.K. SHARMA, IPS (RETD.), MEMBER**

-\*-

**JUDGMENT: (Rajive Bhalla (J) (Retd): (oral)**

\*\*\*

The appellants pray that order passed by the Adjudicating Officer, dismissing their petition filed under Section 59 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the Act) may be set aside.

Counsel for the appellants submits that, as advised, the appellants filed a petition under Section 59 of the Act but after considering the provisions of the Act in detail are of the view that they should have filed a petition complaining of violations under Section 14 (3) of the Act, before the Adjudicating Officer. The appeal may therefore, be dismissed as withdrawn with liberty to approach

## APPEAL NO. 57 OF 2019

the Adjudicating Officer for compensation by invoking Section 14 (3) of the Act, as well any other provisions that may be appropriate. Counsel for the respondents submits that he has no objection if the appeal is withdrawn but his objection that a complaint under Section 14 (3) of the Act applies to a registered project may be kept open.

A due consideration of the arguments as well as the order reveals that the appellants were granted liberty by the Hon'ble Punjab and Haryana High Court by order dated 22.3.2018, to approach the Real Estate Regulatory Authority, Punjab (RERA) for redressal of the remaining grievances but instead of raising the remaining grievances the appellants filed a petition under Section 59 of the Act for punishment of the promoters for non registration of the project. The petition has been dismissed. A perusal of the facts reveals that the appellants should have filed a complaint before the Adjudicating Officer, claiming compensation etc. for the violations alleged.



## APPEAL NO. 57 OF 2019

In view of statement made by counsel for the appellants, the appeal is dismissed as withdrawn with liberty to file a fresh complaint for adjudication of violations under Section 14 (3) read with Sections 31 and 71 of the Act and Rule 37 of the Punjab State Real Estate (Regulation and Development) Rule, 2017, in form N. The complaint, if, filed shall be decided on merits but while simultaneously considering whether Section 14 (3) of the Act requires a project to be registered and if so then whether the Authority can direct a promoter to register a project that is incomplete.

February 13, 2019

  
JUSTICE RAJIVE BHALLA (RETD.)  
CHAIRMAN

  
S.K SHARMA, IPS (RETD.)  
MEMBER

AS