

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

Appeal No. 82 of 2019

Punjab Urban Planning and Development Authority
(PUDA), PUDA Bhawan, Sector- 62, SAS Nagar (Mohali).
....Appellant

Versus

1. Gurvinder Singh, VPO Dhurali, Tehsil and District SAS Nagar (Mohali)-140306.
2. Real Estate Regulatory Authority, First Floor, Plot No.3, Block-B, Madhya Marg, Sector-18A, Chandigarh, 160018.

....Respondents

Appeal No. 83 of 2019

Punjab Urban Planning and Development Authority
(PUDA), PUDA Bhawan, Sector- 62, SAS Nagar (Mohali).
....Appellant

Versus

1. Siri Ram, House No. 1705-A, Housefed Complex-2, Sector-79, SAS Nagar, Punjab-160079.
2. Real Estate Regulatory Authority, First Floor, Plot No.3, Block-B, Madhya Marg, Sector-18A, Chandigarh, 160018.

....Respondents

Appeal No. 84 of 2019

Punjab Urban Planning and Development Authority
(PUDA), PUDA Bhawan, Sector- 62, SAS Nagar (Mohali).
....Appellant

Versus

1. Sanjiv Kumar, House No 225 (GF), Sector-44/A, Chandigarh. 160044
2. Real Estate Regulatory Authority, First Floor, Plot No.3, Block-B, Madhya Marg, Sector-18A, Chandigarh, 160018.

....Respondents

Appeal No. 85 of 2019

Punjab Urban Planning and Development Authority
(PUDA), PUDA Bhawan, Sector- 62, SAS Nagar (Mohali).

APPEAL NO. 82 OF 2019

....Appellant

Versus

1. Manjit Singh, SCF-19, Kabir Park, Post Office Khalsa College, Amritsar, (Punjab) 143002.
2. Real Estate Regulatory Authority, First Floor, Plot No.3, Block-B, Madhya Marg, Sector-18A, Chandigarh, 160018.

....Respondents

Appeal No. 86 of 2019

Punjab Urban Planning and Development Authority (PUDA), PUDA Bhawan, Sector- 62, SAS Nagar (Mohali).

....Appellant

Versus

1. Rohit Ralh son of Sh. Dilbag Chand R/o Flat No. 502, GHS4, Alknan.
2. Real Estate Regulatory Authority, First Floor, Plot No.3, Block-B, Madhya Marg, Sector-18A, Chandigarh, 160018.

....Respondents

Appeal No. 87 of 2019

Punjab Urban Planning and Development Authority (PUDA), PUDA Bhawan, Sector- 62, SAS Nagar (Mohali).

....Appellant

Versus

1. Kesar Singh Grewal, resident of House No. 144, Type-4, Nuhon Colony, Guru Gobind Singh Super Thermal Plant, Rupnagar (Ropar), Punjab-140113.
2. Real Estate Regulatory Authority, First Floor, Plot No.3, Block-B, Madhya Marg, Sector-18A, Chandigarh, 160018.

....Respondents

Appeal No. 88 of 2019

Punjab Urban Planning and Development Authority (PUDA), PUDA Bhawan, Sector- 62, SAS Nagar (Mohali).

....Appellant

Versus

APPEAL NO. 82 OF 2019

1. Darshan Singh, House No. 5405, Sector-38 (West) Chandigarh-160014.
2. Real Estate Regulatory Authority, First Floor, Plot No.3, Block-B, Madhya Marg, Sector-18A, Chandigarh, 160018.

....Respondents

Appeal No. 89 of 2019

Punjab Urban Planning and Development Authority (PUDA), PUDA Bhawan, Sector- 62, SAS Nagar (Mohali).

....Appellant

Versus

1. Jagraj Singh resident of House No. 2018, First Floor (FF), Phase-6, SAS Nagar, Punjab-160055.
2. Real Estate Regulatory Authority, First Floor, Plot No.3, Block-B, Madhya Marg, Sector-18A, Chandigarh, 160018.

....Respondents

Appeal No. 90 of 2019

Punjab Urban Planning and Development Authority (PUDA), PUDA Bhawan, Sector- 62, SAS Nagar (Mohali).

....Appellant

Versus

1. Jasneet Kaur Chahal, House No. 159, Teg Colony, Patiala, (Punjab)-147001.
2. Real Estate Regulatory Authority, First Floor, Plot No.3, Block-B, Madhya Marg, Sector-18A, Chandigarh, 160018.

....Respondents

Present: Mr. Balwinder Singh and Mr. Bhupinder Singh
Advocates for the appellant.

QUORUM: JUSTICE MAHESH GROVER (RETD.), CHAIRMAN

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JUDGMENT: (*Mahesh Grover (J) (Retd)*): (oral)

APPEAL NO. 82 OF 2019

Heard.

This order shall dispose of appeals No. 82, 83, 84, 85, 86, 87, 88, 89 and 90 of 2019 as common question of law and fact arise therein.

There is no infirmity in the impugned order. The learned counsel for the appellant has strenuously argued that the portion/area in which the plot of the complainant falls was under a completion certificate already, implying thereby a partial completion of the project which would effectually liberate them from the consequences of the Real Estate (Regulation and Development) Act, 2016, but by virtue of the impugned order they have been held amenable to the jurisdiction under the RERA Act which would prohibit them from satisfying the Authority of their plea of partial completion.

To my mind, this apprehension of the appellant is misplaced. The impugned order merely observes on the strength of an earlier precedent in "*Appeal No. 49 of 2018 titled as Silver City Construction Ltd. Versus State of Punjab and others*" case that RERA Act, 2016 would apply uniformly to projects whether registered or not but the order certainly does not preclude the

APPEAL NO. 82 OF 2019

appellant from establishing the plea of partial completion vis-a-vis the project in question and in particular the area where the plot of the complainant falls.

The order passed by the Real Estate Regulatory Authority, Punjab therefore does not warrant any interference and the appeal is dismissed. The appellant would be at liberty to raise these pleas of partial completion and produce necessary material before the Authority to invite findings on this.

JUSTICE MAHESH GROVER (RETD.)

CHAIRMAN

September 30, 2019

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