

RERA APPEAL NO. _____ 31 _____ OF 2021

MEMO OF PARTES

Between:

Smt. Neelam Sehgal, D/O Sh. Amarnath Sehgal, H.No. 468/14,
Krishna Nagar, Gurdaspur-143521

...Appellant(s)

And

1. Emerging India Housing Corporation Pvt. Ltd., SCO 46-47,
First Floor, Sector 9-D, near Matka Chowk, Chandigarh
160009 through its Managing Director.
2. Indiabulls Homeloans, SCO 337-338, Sector 35-B,
Chandigarh through its MD.

...Respondent(s)

Place: Chandigarh
Date: 01.05.2021



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Ajay Pal Singh, Advocate
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Counsel for the Appellant

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AT CHANDIGARH
APPLICATION NO. 72 OF 2021
AND APPEAL NO. 31 OF 2021

SMT. NEELAM SEHGAL
VERSUS
EMERGING INDIA HOUSING CORPORATION PVT. LTD. & ANOTHER

Present: - Mr. Ajay Pal Singh, Advocate for the appellant.
Ms. Vijeta Sharma, Assistant Legal for the
respondent No.2.

Despite service respondent No.1 does not appear.

Respondent No.2 is merely a performa respondent.

Learned counsel for the appellant contends that the
compensation awarded by the Adjudicating Officer in the impugned
order does not take into consideration the factors mentioned in
Section 72 of the Act and further the amount awarded is meagre.

It is argued that the project is incomplete, sans amenities
and all these factors should have take into consideration while
assessing the compensation particularly when an amount of Rs.48
lakhs had been deposited by the appellant.

We have heard learned counsel for the appellant.

In "APPEAL NO.11 OF 2021 TITLED AS M/S OMAXE

NEW CHANDIGARH EXTENSION PVT. LTD. VERSUS URMEET

KAUR GULATI & ANR.", we have already passed orders detailing

the factors that the Adjudicating Officer ought to take into



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consideration while assessing the compensation. In those appeals a similar reasoning had been adopted by the Adjudicating Officer while assessing the compensation and since the reasons offered in the present order are identical to the ones in those appeals that stand decided already, we deem it appropriate to dispose of the present appeal in terms of "APPEAL NO.11 OF 2021 TITLED AS M/S OMAXE NEW CHANDIGARH EXTENSION PVT. LTD. VERSUS URMEET KAUR GULATI & ANR" and remand the matter back to the Adjudicating Officer for decision afresh by taking into consideration the factors mentioned in our order and as also in Section 72 of the Real Estate (Regulation and Development) Act, 2016.

Parties are directed to appear before the Real Estate Regulatory Authority on 22.02.2022.

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)

February 01, 2022
AN



Sd/-
Certified To Be True Copy

T. Chander Singh
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh

3-2-2022