

MEMO OF PARTIES

Amit Kumar son of Sh. Ramesh Kumar, resident of Flat No. C-4,
Marvel Homes, Barewal Road, Ludhiana.

...Appellant


Versus

1. M/s Marvel Homes Construction Pvt. Ltd., Barewal Road,
Backside Gurdev Hospital, Ludhiana through its Managing
Director/Director.
2. Municipal Corporation, Zone-D, Ludhiana, Sarabha Nagar,
Zone-D Office, Ludhiana through its Commissioner.
3. Department of Local Government, Municipal Bhawan, Plot
No.3, Dakshin Marg, Sector 35-A, Chandigarh through its
Principal Secretary.
4. Real Estate Regulatory Authority, Punjab, First Floor,
Block-B, Plot No.3, Sector 18A (Near Govt. Press UT), Madhya
Marg, Chandigarh through its Chairperson.

...Respondents



Place: Chandigarh.
Dated: 19.05.2019


(MUNISH GUPTA)
P-515/2005
ADVOCATE
COUNSEL FOR APPELLANT

4
REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AT CHANDIGARH

APPEAL NO. 68 OF 2019 (O&M)

AMIT KUMAR

Versus

M/S MARVEL HOMES CONSTRUCTION PVT. LTD. & ORS.

Present: - Mr. Amit Kumar (appellant in person).
None for the respondent No.1.
Mr. Jaspal Singh Khara for Real Estate Regulatory
Authority, Punjab.

We notice from the record (at page 102 of the paper book) that the respondent had applied for completion certificate in the year 2010.

The photographs appended along with the affidavit (at page 146) more or less suggest a completed project.

The appellant had on a prior occasion approached the Consumer Court by way of Complaint No. 856 of 2017, which was disposed of in the following terms :

"Sequel to the above, we partly accept the complaint and direct Ops No. 1 & 2 as under :-

- (i) Complete the swimming pool within a period of two months from the date of receipt of the copy of the order, failing which the Ops will pay to the complainant compensation @ Rs. 2500/- per month till the date of completion of the swimming pool.
- (ii) Instead of one car parking, the complainant will be entitled to two car parkings.
- (iii) for installing lifts of Schindler Company that too without automatic rescue device system as



agreed in the brochure, the Ops will pay Rs. 25,000/- as compensation to the complainant.

- (iv) Ops are directed to get the completion certificate from the Competent Authority appointed under the PAPRA or under the Municipal Corporation Act, 1976 within a period of two months from the date of receipt of the order; failing which it shall pay Rs. 5,000/- per month to the complainant till they get the completion certificate from the Competent Authority.
- (v) Ops are further directed to pay Rs. 30,000/- as compensation for mental agony and harassment.
- (vi) Pay Rs. 21,000/- as litigation expenses.

It is not disputed by the appellant that except for clause

Say (1/19)
4 noticed above, the other matters have been settled by the respondent No.1. An affidavit has also been filed by the respondent No.1, pursuant to our orders in this regard. Therefore the only issue that remains to be considered is with regard to the issuance of completion certificate.

Before the Authority an order was passed in December 2019, the relevant of which is as below:-

"Further the provision of the Punjab Municipal Corporation Act 1976 needs to be examined in depth by the Full Bench of the Authority as the concept of deemed completion has a bearing on such similar notices issued to the promoters. Accordingly, the matter is referred to the authority for consideration separately."

We would like the assistance of the Authority in this regard and have apprised Mr. Jaspal Singh Khara, Assistant Manager, Real Estate Regulatory Authority, Punjab, to seek information with reference to the above and apprise the Tribunal before the next date of hearing.

List on 07.07.2022 for further proceedings and information be also supplied by Real Estate Regulatory Authority, Punjab whether the completion certificate has ~~been~~ ^{been} granted to the respondent No.1 or not?

sd/-
JUSTICE MAHESH GROVER (RETD.)
CHAIRMAN

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

sd/-
ER. ASHOK KUMAR GARG, C.E. (RETD.)
MEMBER (ADMINISTRATIVE/ TECHNICAL)

May 19, 2022
AN



Certified To Be True Copy

Shamsher Singh
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh
23-5-2022