

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

Subject: -

APPEAL NO. 31 OF 2022

1. Ravi Shankar Tiwari
2. Manorama Tiwari

Both R/o House No. 3515, 1st Floor, Sector-23 D, Chandigarh now presently residing at House No. 3276/2, Sector-23 D, Chandigarh.

...Appellants

Versus

1. DLF Universal Limited (Now DHDL) through authorized signatory, DLF shopping Mall, 3rd Floor, Arjun Marg, DLF City, Phase-I, Gurgaon, Haryana, Pin Code-122002.
2. DLF Home Developers Limited through representative Hyde Park Estate, New Chandigarh, Kurali-Chandigarh Road, Mullanpur Garibdass, District SAS Nagar, Mohali, Punjab.
3. Hyde Park Residents Welfare Society through representative, Village Salamatpur, Tehsil Kharar, Sub Tehsil Majri, District SAS Nagar, Mohali, Punjab.

....Respondents

Memo No. R.E.A.T./2023/54.

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 order passed in aforesaid appeal 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 24th day of January, 2023.


REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

**BEFORE THE HON'BLE REAL ESTATE APPELLATE TRIBUNAL,
PUNJAB AT CHANDIGARH**

Appeal- 31 of 2022

Memo of Parties

1) Ravi Shankar Tiwari

2) Manorama Tiwari,

Both residents of house No. 3515, 1st Floor, Sector 23-D, Chandigarh
now presently residing R/O house no 3276/2 Sector 23D
chandigarh

.. Appellants

Versus

1) DLF Universal Limited (Now DHDL) through authorized
signatory, DLF shopping Mall, 3rd Floor, Arjun Marg, DLF City,
Phase-I, Gurgaon, Haryana, Pin Code 122002

2) DLF Home Developers Limited through representative Hyde
Park Estate, New Chandigarh, Kurali, Chandigarh road,
Mullanpur Garibdass, District SAS Nagar, Mohali, Punjab,
Hyde Park Residents Welfare Society through representative,
village Salamatpur, Tehsil Kharar, Sub Tehsil Majri, District
SAS Nagar,, Mohali, Punjab

...Respondents



Place Chandigarh
DATED: 01.02.2022

Bhupender Singh
BHUPENDER SINGH
P/3723/2009 **ADVOCATE**
COUNSEL FOR THE APPELLANTS

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

APPEAL NO. 31 OF 2022

1. Ravi Shankar Tiwari
2. Manorama Tiwari

Both R/o House No. 3515, 1st Floor, Sector-23 D, Chandigarh
now presently residing at House No. 3276/2, Sector-23 D,
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2. DLF Home Developers Limited through representative Hyde Park Estate, New Chandigarh, Kurali-Chandigarh Road, Mullanpur Garibdass, District SAS Nagar, Mohali, Punjab.
3. Hyde Park Residents Welfare Society through representative, Village Salamatpur, Tehsil Kharar, Sub Tehsil Majri, District SAS Nagar, Mohali, Punjab.

....Respondents



Present: - Mr. Bhuppender Singh, Advocate for the appellant.
Mr. Kunal Dawar, Advocate for the respondent
Nos. 01 and 02.
Mr. Ujwal Anand, Advocate for the Respondent No.
03.

**CORAM: JUSTICE MAHESH GROVER (RETD.), CHAIRMAN
SH. S.K. GARG DISTT. & SESSIONS JUDGE
(RETD.), MEMBER (JUDICIAL)**

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

1. This appeal is against the order dated 22.10.2021 passed by the Real Estate Regulatory Authority, Punjab (hereinafter known as the Authority).

2. Undisputed facts are that the appellant booked a commercial plot (wherein booth was to be constructed) in a project named 'Hyde Park Estate', New Chandigarh. A buyers agreement was executed on 27.05.2016, and possession promised, within 24 months i.e. 07.03.2018. The respondents obtained a partial completion certificate from the statutory authorities on 10.09.2014. However as per the allegations of the appellant he refused to take possession on account of the apprehension that the elevated plinth constructed by the respondents before his plot would result in reduction of height of the shop. Despite representation the respondents failed to address the issue, leading to the complaint resulting in impugned order by which the Authority declined interference.

The appellant contends that the elevated portion constructed by the respondent is unjustified and it is in *all* likelihood reduce the height of the proposed shop. *NY*

4. Respondents however deny this and have relied upon the layout plans to plead that there is no violation.



5. To understand the ground situation we had appointed a Local Commissioner who went to the spot and has submitted his report with photographs appended to it that reveal the construction of a cemented plinth/platform of 22 Inches (1 Feet, 10 Inches) but the same is not existing in front of the adjoining booths. He has further stated in his report that for the appellant to enter his booth he will have to climb 2 steps on the plinth constructed in front of his shop.
6. The respondents have objected to this report by arguing that no notice was ever given to them by the Local Commissioner which contention we find to be correct as notice was only issued to the appellant.
7. In this view of the matter we cannot give much credence to the report of the Local Commissioner for lack of respondents presence but in any case we have perused the site plan produced by the respondent which vividly explains that the raised plinth in front of the appellant's shop is not in isolation but is in-fact, a part of a running corridor which is proposed to be a covered one and links two separate cluster of booths constructed opposite each other. Behind the booths the bigger showrooms are proposed to be constructed. In fact there are four similar proposed passages that are likely to interconnect the



bigger showrooms being constructed in that commercial square.

8. The appellant has been unable to show if there a violation in the layout plan or the site plan. Besides it is not his booth alone which has been singled out for the construction of a passage, it is a part of the larger development scheme duly sanctioned by the Authorities.
9. For the aforesaid reasons it would be unwise to hold the respondents responsible for the construction which the appellant finds to be offensive.
10. Since no other point has been raised before us and neither has the Authority commented upon any other aspect of the controversy we decline interference in the appeal.
11. Appeal is therefore dismissed.

File be consigned to the record room.



Sd/-
JUSTICE MAHESH GROVER (RETD.)
CHAIRMAN

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

January 20, 2023
DS

Certified To Be True Copy
Registrar
Real Estate Appellate Tribunal Punjab
Chandigarh

24/01/2023.