

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No. 27393 of 2019

Date of decision : 24.09.2019

Bharat Bhushan and others

.....Petitioners

Versus

Punjab Urban Development Authority (PUDA) and others

...Respondents

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

HON'BLE MR. JUSTICE SUDHIR MITTAL

Present : Mr. Ashok Gupta, Advocate for the petitioners.

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DAYA CHAUDHARY, J. (Oral)

Learned counsel for the petitioners submits that after passing of order dated 13.02.2019 (Annexure P-17) by the appellate authority *i.e.* the Real Estate Appellate Tribunal, Punjab, SAS Nagar (Mohali), whereby liberty was given to the petitioners to approach the Real Estate Regulatory Authority (RERA), a complaint was filed before the RERA authority, which was not accepted by the Registry and thereafter, the petitioners have filed this petition under Articles 226/227 of the Constitution of India with a request/prayer that the petitioners be refunded the amount along with the interest which has illegally been charged by PUDA in spite of fact that the site has not been developed till date. A further direction has also been sought not to charge any further interest from the petitioners till completion of development of the site.

Admittedly, a liberty was given by the appellate authority to the petitioners to approach RERA authority but the Registry has refused to accept their complaint and returned the same without mentioning any reason or passing any order. Even it has not been mentioned as to why the order passed by the appellate authority has not been complied with or how the complaint was not maintainable before RERA. Under the facts and circumstances of the case, the petitioners have to file the present petition under Articles 226/227 of the Constitution of India.

Accordingly, keeping in view the facts and circumstances of the case, RERA authority-respondent No.3 is directed to accept the complaint filed by the petitioners in view of the liberty given by the appellate authority vide order dated 13.02.2019 (Annexure P-17) and decide the issue of maintainability after passing a speaking order.

Disposed of.

(DAYA CHAUDHARY)

JUDGE

Dated : 24.09.2019

sunil yadav

(SUDHIR MITTAL)

JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No