

**(113) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-1285-2021

DATE OF DECISION:-21.09.2021

GURJIT SINGH AND ANR.

..PETITIONERS...

V.

ATS INFRABUILD PVT. LTD. AND ORS.

...RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Himanshu Raj, Advocate,
for the petitioners.

SANT PARKASH, J.

*(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court)*

This petition has been preferred under Article 227 of the Constitution of India for issuance of direction to respondent No.4 to decide the pending complaint viz. ADC No.1547/2020, titled as "Gurjit Singh & another vs. ATS Infrabuild Pvt. Ltd. and others" within the statutorily provided period.

Learned counsel for the petitioner submits that the complaint was filed on 08.02.2020 before respondent No.4 i.e. Adjudicating Officer, Real Estate Regulatory Authority, Punjab to direct respondents No.1 to 3 for giving compensation qua the various violations that had been committed as per the various provisions of Section 31 read with Section 71 of the Real Estate (Regulation and

Development) Act, 2016 (for short' "Act") read with Rule 37 (1). On 14.04.2020, the case was put up and adjourned for filing reply on behalf of respondents No.1 to 3 but till today no reply has been filed on their behalf and the delay is being caused on one pretext or the other.

Keeping in view the nature of the prayer made and the directions being issued, issuance of notice of motion is not necessary.

Relevant provision of law as contained in Section 71 of the Act is reproduced as under:-

"71. Power to adjudicate.—(1) *For the purpose of adjudging compensation under sections 12, 14, 18 and section 19, the Authority shall appoint, in consultation with the appropriate Government, one or more judicial officer as deemed necessary, who is or has been a District Judge to be an adjudicating officer for holding an inquiry in the prescribed manner, after giving any person concerned a reasonable opportunity of being heard:*

Provided that any person whose complaint in respect of matters covered under sections 12, 14, 18 and section 19 is pending before the Consumer Disputes Redressal Forum or the Consumer Disputes Redressal Commission or the National Consumer Redressal Commission, established under section 9 of the Consumer Protection Act, 1986 (68 of 1986), on or before the commencement of this Act, he may, with the permission of such Forum or Commission, as the case may be, withdraw the complaint pending before it and file an application before the adjudicating officer under this Act.

(2) *The application for adjudging compensation under sub-section (1), shall be dealt with by the adjudicating officer as expeditiously as possible and dispose of the same within a period of sixty days from the date of receipt of the application:*

Provided that where any such application could not be disposed of within the said period of sixty days, the adjudicating officer shall record his reasons in writing for not disposing of the application within that period.

(3) While holding an inquiry the adjudicating officer shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, he is satisfied that the person has failed to comply with the provisions of any of the sections specified in sub-section (1), he may direct to pay such compensation or interest, as the case may be, as he thinks fit in accordance with the provisions of any of those sections."

The aforesaid provision of law mandates that any application for adjudicating compensation has to be mandatorily decided within 60 days from the date of receipt of such application/complaint.

Admittedly, in this case, the application/complaint was filed on 08.02.2020 but the same has not yet been decided.

Accordingly, the petition is disposed of with a direction to respondent No.4 to decide the aforementioned pending complaint as early as possible and in any case, not later than 60 days from the date of receipt of a certified copy of this order.

21.09.2021
sonika

(SANT PARKASH)
JUDGE

whether speaking/reasoned:
whether reportable:

Yes/No
Yes/No