

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RERA Appeal No.40 of 2022(O&M)

Date of decision: 04.08.2022

Sudip Roy

..Appellant

Versus

M/s Cosmo Infra Engineering (India) Private Ltd. & Anr.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Abhinav Sood, Advocate and
Mr. Anmol Gupta, Advocate,
for the appellant

ANIL KSHETARPAL, J(Oral)

The Real Estate Appellate Tribunal constituted under the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as 'the 2016 Act;'), has remitted the matter back to Real Estate Regulatory Authority to adjudicate upon the dispute between the parties.

The appellant claims to be an allottee. He claims refund of the amount along with interest on account of failure of the promoter to offer possession of the property within the time agreed upon.

The complaint came to be decided by the Adjudicating Officer in his favour. However, the Appellate Tribunal while relying upon the judgment passed by the Supreme Court in **New Tech Promoters and Developers (P) Ltd. vs. State of Uttar Pradesh, 2021 SCC online SC 1044** held that such matter fell within the jurisdiction of the Real Estate Regulatory Authority (RERA). The aforesaid view has now been re-affirmed in **M/s Sana Realtors Pvt. Ltd. vs. Union of India and others**

(SLP(C) No.13005 of 2020, decided on 13.05.2022).

Undoubtedly, the complaint filed by the appellant has remained pending before the authorities for quite some time. However, since the Adjudicating Officer had no jurisdiction to decide the question of entitlement of the appellant to the amount deposited along with interest, therefore, no exception to the order passed by the Appellate Tribunal can be taken. However, the Parliament has enacted the 2016 Act, in order to facilitate expeditious disposal of such matters.

Keeping in view the aforesaid object in mind, the Real Estate Regulatory Authority (RERA) is requested to finally decide the matter within a period of 3 months, from today, positively.

Disposed of accordingly.

All the pending miscellaneous applications, if any, are also disposed of.

August 04, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*