

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

222

CWP-19052-2020

Date of Decision: 08.04.2022.

Harnek Singh

....Petitioner.

Versus

Real Estate Regulatory Authority, Punjab and others

....Respondents.

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Kashmir, Advocate for
Mr. Iqbal Singh Ratta, Advocate for the petitioner.

Mr. Pardeep Singh Bajwa, Advocate
for respondents No.1 and 2.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Amol Rattan Singh, J. (Oral)

On 29.03.2021 the following order had been passed by this
Court:-

“Notice of motion having been issued in this petition on
11.11.2020, thereafter, on 02.12.2020, the following order had
been passed by this court (coordinate Bench):-

“Due to prevailing situation of COVID-19, matter
has been heard through Video Conferencing.

Admittedly, a Division Bench of this court in
CWP-8548-2020 held that the Act does not contemplate
that a single member of the Bench can pass an order of
the nature impugned in this petition. However, he prays
for more time to file reply. Ten days time is granted.

Adjourned to 15.12.2020.

At this stage, learned counsel for the petitioner submits that Tehsildar, Hoshiarpur is making efforts to execute the orders. Under the facts and circumstances of the case, we feel that the proceedings by the Tehsildar need to be kept in abeyance till the next date of hearing.

As regards the query raised by the court about the restriction of five hundred words in the pleadings before the authority, Mr. Bajwa submits that it is, in fact, eight thousand characters, out of which, four thousand characters are reserved for factual submissions. He has further pointed out that similar issue is pending consideration in CWP-31631-2019. Registry to tag the said writ petition alongwith this case.”

It is seen that despite service, none has appeared for respondent no. 4 ever, which is the same position today, with counsel for the petitioner also not being present either today or on the last date of hearing, i.e. 03.03.2021.

Mr. Bajwa, learned counsel appearing for respondents no. 1 and 2, i.e. the Real Estate Regulatory Authority, Punjab, submits that the issue in question has already been adjudicated upon by the Supreme Court in **M/s Newtech Promoters and Developers Pvt.Ltd. vs. State of U.P. and others** (Civil Appeal Nos.6745-6749-2021, decided on 11.11.2021), wherein it has been held that even a single member of the said Authority can adjudicate upon a matter.

Since the matter has come up for hearing for the first time after 01 year, we are not dismissing the petition either for non-prosecution or even on the basis of what has been contended by learned counsel for respondents no. 1 and 2, with hearing in the matter adjourned to 08.04.2022, to determine as to whether the petitioner is still interested in pursuing the petition or not, failing which appropriate orders would be passed by this court.”

Today again a request for an adjournment has been made on behalf of counsel for the petitioner.

In view of the fact that as regards the jurisdiction of a single member of the respondent-Authority passing an order, that has been upheld by the Supreme Court in M/s Newtech Promoters (supra), and as regards the merits of the impugned order passed, there is a remedy of an appeal available to the petitioner, we find no reason to entertain the request for adjournment, with the petition consequently dismissed but with the petitioner obviously at liberty to avail of his remedy of appeal against the impugned order.

(AMOL RATTAN SINGH)
JUDGE

(LALIT BATRA)
JUDGE

08.04.2022

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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No