

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

**(222) CWP-31631-2019 and other connected cases
Decided on : 17.07.2023**

Gagandeep Pajni

.....Petitioner(s)

Versus

The Real Estate Regulatory Authority, Punjab through its Chairman

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Himanshu Raj, Advocate and
Mr. Jatin Bansal, Advocate for the petitioner (s).

Mr. Animesh Sharma, Advocate for the respondent.

G.S. Sandhawalia, J. (Oral)

The present order shall dispose of 57 writ petitions i.e. CWP Nos.31631, 35123, 35821, 35853, 35859, 35862, 36173, 36227, 36235, 36250, 36266 to 36307, 36886, 36942, 37037, 37047 of 2019 and CWP No.58 of 2020

2. The present writ petitions have been filed under Article 226/227 of the Constitution of India for quashing of condition regarding the limit of 400 words (2000 characters) in filing the complaint before the respondent-The Real Estate Regulatory Authority, Punjab (for short 'the Authority').

2. Counsel for the respondent-authority submits that in pursuance of the order dated 27.04.2023, the matter has been re-considered in a meeting held on 02.05.2023 under the Chairmanship of the Chairperson of the Authority. As per the issue in question which pertains to the limitation of 400 words (2000 characters) in filing the complaint before the authority, the following decision has been taken:-

“11.Regarding CWP 31631 of 2019- Gagandeep Pains Vs. RERA

Punjab and other connected matters: The subject cited writ petition along with other connected 55 writ petitions had been filed by the petitioners opposing the word limit that exists on the online platform of RERA while filing a complaint. The case sought to be projected is that any restriction on word limits violates the rule of "Audi Alteram Partem", prevents proper pleadings, and that no such word limit exists in the Real Estate (Regulation and Development) Act 2016 and the Punjab Real Estate (Regulation and Development) Rules, 2017.

The cases were fixed for. (27.04.2023 before the Hon'ble High Court of Punjab and Haryana comprising the bench of Hon'ble Mr. Justice Augustine George Masih and Hon'ble Mr. Justice Harpreet Singh Brar. The Hon'ble Bench has held as under:-

"Learned counsel for the respondent is directed to get instructions from the respondent- authority with regard to the factum of restricting the reply of the respondent also to the limit as that of the complainant. It is also mentioned that in case there is no limit fixed for the respondent against whom the complaint is filed in the similar manner, the complaint should also be treated. The discrimination as has been sought to be projected as has been demonstrate clearly Indicates inequitable and unequal grounds for both the parties who are contesting. List for consideration on 16.05.2023."

In view of the above Order, the matter has been considered in the Authority and it was decided that for filing of a Complaint in Form 'M' or Form 'N' at the website of the Real Estate Regulatory Authority Punjab, the input character range/limit be removed under the title head 'Facts of the Case' in the Complaint (Form M and Form N) filed under Section 31 of the Real Estate (Regulation and Development) Act, 2016. Complainant is allowed to upload a pdf file for 'Fact of the Case' in the Complaint. In this regard, IT Branch of the Authority has been directed to do the needful at the earliest. In future, the Authority will take steps to ensure that replies to complaints filed under Section 31 of the Real Estate (Regulation and Development) Act, 2016 are also filing online in pdf format on the website of the Authority.”

3. It is further pointed out that the implementation in this regard has also been done as the text/characters limit (max. 4000 characters) for facts of

the case has been successfully withdrawn from Form-M and Form-N on the web portal by providing the uploading facility (PDF file) of text length.

4. Keeping in view the above, counsel for the respondent submits that the matter has been rendered infructuous since the necessary relief has been granted.

5. Resultantly, we dispose of the present petitions as having been rendered infructuous.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

17.07.2023
Naveen

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