

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-28034-2023

Date of decision: 14.12.2023

Babreek Sharma and another

....Petitioners

Versus

Real-Estate Regulatory Authority and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

**Present: Mr. Mandeep Kumar Dhot, Advocate,
for the petitioners**

ARUN PALLI, J. (Oral)

The petitioners herein have prayed for the following substantive relief:

***“Civil Writ Petition under Articles 226/227 of
the Constitution of India for issuance of a writ in the
nature of Mandamus, by directing the respondent no.1 to
finally decided the complaint no.ADCNO/1314/2019, dated
06.09.2019 (Annexure P-1), titled as “Babreek Sharma
and another Versus Ever Rich Buildcon Pvt. Ltd” within
some time bound period, keeping in view of the peculiar
fact and circumstanced set out in the present petition.”***

Learned counsel for the petitioners submits that petitioners had jointly booked a flat/apartment (B-602 in Tower B, measuring 12300.90 square feet), with the private respondent (M/s Ever Rich

Buildcon Pvt. Ltd.) for a consideration of Rs. 26,50,000/-. Whereafter, they were issued a formal letter of allotment on January 17, 2018. And, even the Buyers Agreement dated January 17, 2018, was executed between the parties. He submits that as the private respondent was unable to execute the project and hand over the actual physical possession thereof by the appointed date (May 31, 2018), in terms of clause 15 of the Agreement, the petitioners were choiceless, but to request for refund of the amount deposited by them. For nothing materialized, they filed a complaint under Section 31 of the Real Estate (Regulation and Development) Act, 2016, before the Real Estate Regulatory Authority, Punjab. He submits, for the private respondent chose not to appear in the said proceedings, it was proceeded against *ex parte* on March 09, 2021, and thereafter, the final order dated June 22, 2021, was passed in favour of the petitioners. However, subsequently, the *ex parte* order dated June 22, 2021, was set aside and the complaint was restored to be adjudicated on merits, vide order dated June 24, 2022. And, the matter is pending since then. It is urged that even though a considerable time has elapsed, but the matter has not made any tangible progress. Lastly, it was listed on December 08, 2023, and is now posted for January 04, 2024. Thus, he submits that the limited prayer of the petitioners is that respondent No.1, which is in seisin of the complaint, be required to decide the same at the earliest. For, with each passing day, interest of the petitioners continues to suffer.

Served with the advance copy of the petition, Mr. V.G. Jauhar, learned Additional Advocate General, Punjab, is present in Court. He submits that let this petition be disposed of, at this stage, to enable the respondent authority to examine and decide the

matter, if possible, on the date fixed. And, if, for any plausible reason, it is not viable to dispose of the complaint on the date fixed, the authority, in any case, shall decide the same within a period of four weeks thereafter.

Learned counsel for the petitioners is in agreement with the course suggested by the learned State counsel, and submits that let this petition be disposed of, in terms of the statement made by him.

The petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders shall be passed within the time indicated by the learned State counsel.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

14.12.2023
Ak Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No