

**Before Sh. J. S. Khushdil,  
Adjudicating Officer,  
The Real Estate Regulatory Authority,  
Punjab, SAS Nagar (Mohali)**

Complaint No. AO/14 of 2018  
Date of Institution : 23.02.2018  
Date of Decision : 26.07.2018

Deepti Malhan resident of J-3, 3<sup>rd</sup> Floor, Saket, New Delhi.

Complainant

Versus

Greater Mohali Area Development Authority (GMADA).

Respondent

Present: Sh. Tarun Bajaj, Advocate, proxy for Shri Himanshu Raj,  
Advocate representative for the complainant.  
None for respondent

**ORDER**

1) Deepti Malhan (herein-after referred to as the complainant), has filed this complaint against the Greater Mohali Area Development Authority (GMADA) (herein-after referred to as the respondent) alleging certain violations and contraventions on the part of the respondent. The case is at its initial stage and as per office reports, the project to which this complaint relates has not been registered with this authority. The learned representative for the complainant sought a number of adjournments for furnishing registration number of the project and also for consideration regarding continuation of the complaint

*Sh. J. S. Khushdil*  
*26/7/2018*

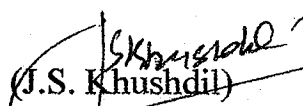
2) I have heard the learned proxy representative for the complainant at length on the point of maintainability of complaint and have gone through the documents on the file.

3) This Authority has held in Complaint No. 3 of 2017- titled *Bikramjit Singh and others (supra)*, decided on 13/12/2017 that the complaint would not be maintainable in relation to the projects which are not registered with this Authority. This decision was further followed in the subsequent cases also. The Hon'ble Bombay High Court has further held in Judicial Pronouncement No. 2737 of 2017 dated 06/12/2017 in case of *Neelkamal Realtors Suburban Pvt. Ltd and others* that "the Authority concerned would be dealing with the cases coming before it in respect of projects registered under RERA". I have touched several points like maintainability etc. in my detailed orders passed in complaint cases titled as *Suman Mann and another Vs. JLPL and Nikhil Kawatra and another Vs. JLPL* decided on 14.05.2018 and therefore at this stage I do not deem it appropriate to reproduce those points, which had been taken for consideration, to avoid the length of the order. Thus, in view of the totality of the above mentioned circumstances, I am of the view that the project, to which, this complaint relates is not registered one. Therefore, this complaint is not maintainable at

this stage and the same is accordingly rejected. However, in the larger interest of justice, the complainant is given liberty to file fresh complaint, if so, advised in accordance with the law.

4) The promoter, however is required to get a real estate project registered with the Real Estate Regulatory Authority unless such promoter seeks exemption under this Act vis a vis under Section 3 of the Act. Thus, without getting the project registered no promoter shall advertise, market, book sell or offer for sale or invite persons to purchase in any manner any plot, apartment or building as the case may be. Therefore, it is required from the respondent promoter to get his project registered if the same is not registered. The promoter may be asked to get his project registered or to explain as to why and how his project is exempted from the requirement of registration of the project under reference. A copy of the order be sent to the complainant. A copy of this order be also forwarded to the Secretary of the Authority for further necessary action against the promoter under law. The file be consigned to the record room after due compilation.

Dated: 26.07.2018

  
(J.S. Khushdil)  
Adjudicating Officer, 26/7/2018  
Real Estate Regulatory Authority  
Punjab, SAS Nagar (Mohali)