

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

Complaint No. AC/59 of 2018
Date of Institution : 20.07.2018
Date of Decision : 24.08.2018

Vishal Vadhera son of Shri Anil Kumar Vadhera, resident of H.No.33,
Opposite Govt. Girls Sr. Secondary School, GBT Nagar, Khanna,
Ludhiana.

Complainant

Versus

1. Vinod Kumar, Director,
 2. Hakam Chand, Director,
 3. Sarwan Kumar, Director,
 4. Pushpinder Pal, Director,
- Of M.G. Gold Realtors Pvt. Ltd. Shop No.345, Sector-22B, Bank
of India Road, Mandi Gobindgarh, Punjab-147301-N

Respondents

Present: Sh. Agam Jund Mullanpur, Advocate, representative for the
complainant.
None for respondents

ORDER

1) Vishal Vadhera (herein-after referred to as the
complainant), has filed this complaint against Vinod Kumar and
others (herein-after referred to as the respondents) alleging certain
violations and contraventions on the part of the respondents. 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 has also

suffered a statement that there are certain legal flaws in the complaint and as per his information the project is not yet registered, therefore, he withdraws this complaint with permission to file a fresh complaint on the same cause of action. He has further stated that action against the respondent/promoter may also be taken under the relevant provisions of law and extra copies of the complaint be returned to him.

2) 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

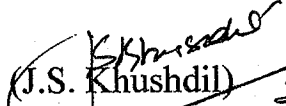
S. S. Kumar
24/8/2018

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 dismissed as withdrawn. However, in the larger interest of justice, the complainant is given liberty to file fresh complaint, if so, advised in accordance with the law.

3) 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 Real Estate (Regulation and Development) Act 2016. 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 respondents/promoters 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: 24.08.2018


(J.S. Khushdil) 24/8/2018
Adjudicating Officer,
Real Estate Regulatory Authority
Punjab, SAS Nagar (Mohali)