

**BEFORE SHRI J. S. KHUSHDIL,  
ADJUDICATING OFFICER,  
REAL ESTATE REGULATORY AUTHORITY,  
PUNJAB MANDI BHAWAN, SAS NAGAR, (MOHALI).**

Misc. Application No.06 of 2018  
Date of Institution: 22.06.2018  
Dated of Decision: 13.09.2018

Chandigarh Royale City Promoters Private Limited, registered office  
SCO No.489-490, Level II, Sector 35-C. Chandigarh

.....Applicant

Versus

1. Om Parkash son of Sh. Puran Chand resident of Ram Basti,  
Near Sadhu Head Master House, Samana Punjab.
2. Rameshwar Dass son of Sh. Des Raj resident of Anand Colony,  
Samana, Punjab.

.....Respondents/complainants

Application under Order IX Rule 13 of the Code of Civil  
Procedure 1908 for setting aside ex-parte order dated  
27.03.2018 and order dated 31.05.2018 against the  
applicant.

*Shri Harnet Singh*  
*13/9/2018*

Present: Shri J.P. Singla, representative for the applicant.

Shri Harnet Singh and Shri Vanit Kumar representatives for  
respondents-complainants

**ORDER**

1. Chandigarh Royale City Promoters Pvt. Ltd (hereinafter called as the applicant) has filed this application under Order IX Rule 13 of CPC for setting aside ex-parte order dated 27.03.2018 and 31.05.2018 passed against the applicant in the complaint case titled as Om Parkash and another Vs. Chandigarh Royale City Promoters Private Ltd. It is submitted in the application that the present respondents Om Parkash and another being complainant in the above titled complaint knowingly filed complaint against the applicant knowingly mentioning a wrong address as M/s Chandigarh Royale City Promoters Pvt. Limited, registered office 489-490, Level-II, Sector 35, Chandigarh, though, this office was not operational since December, 2013 and correct address of the applicant is Chandigarh Royale City Promoters Pvt. Ltd. Village Karala, Zirakpur-Rajpura Highway, Banur District SAS Nagar about which the complainant was having every knowledge. The applicant has come to know about the order passed by this Bench from the newspaper Dainak Bhaskar dated 14.06.2018. In the application reference to Order IX Rule13 of CPC has also been

*S/Somend*  
*13/9/2018*

made. In the end, a prayer for setting aside the ex-parte orders dated 27.03.2018 and 31.05.2018 has been made.

2. Notice of this miscellaneous application was given to the complainants (respondents in this application), who have filed reply taking various preliminary objections in regard to concealment of material facts; maintainability; misstatement of facts about the address of the respondent, though the builders are still operating from the address as mentioned in the complaint and the same address is being shown in the official website, on line brochure and online registration form. It is further submitted that in an appeal filed by the applicant titled as Chandigarh Royale City Promoters Limited Vs. Mohan Singh before the National Consumer Disputes Redressal Commission, New Delhi, the applicant mentioned the same address as mentioned in the complaint by the complainant (present respondent). On merits, each and every para of the application has been denied and it is pleaded that the notice sent at the Karala Zirakpur address was not replied and then the complainant/present respondent had filed the complaint by mentioning as SCO No.4989-490, Level-II, Sector 35-C, Chandigarh shown on the online official website i.e.

*Dismissed*  
13/9/2018

<http://chandigarhroyalecity.com/>. In the end, a prayer for dismissal of application has been made.

3. I have heard the learned representatives for the parties and have gone through the record with their able assistance.
4. The learned representative for the applicant has made a submission that the applicant was not served as the complainant, the present respondent had knowingly mentioned the wrong address in the complaint, which could not be defended by the applicant and ex-parte proceedings were initiated against it resulting in passing of ex-parte orders dated 27.03.2018 and 31.05.2018. It is further submitted that the ex-parte orders may be set aside and the application may be accepted.
5. On the other hand, the learned representative for the respondent-complainant has submitted that the respondent was duly served with the notice and this Bench has rightly proceeded the applicant ex-parte and then ex-parte order dated 31.05.2018 was passed. It is further submitted that the application under Order 9 Rule 13 of the CPC is not maintainable and is liable to be dismissed.
6. The perusal of the file reveals that the present applicant was duly served as per the report of the office. The applicant was awaited

*Dismissed*  
*13/9/2018*

till 4:34PM on 27.03.2018. As no one appeared on behalf of the applicant, therefore, this Bench proceeded it ex-parte. Thereafter the due process was followed and ultimately the matter was decided on 31.05.2018. Now, the applicant intends to get the said order set aside on the ground that the complainant furnished the wrong address of the applicant in the complaint and notice could not be served upon it and ex-parte proceedings were initiated against the applicant. The representative for applicant has also laid much stress upon the fact that the applicant is operating from the address: Chandigarh Royale City Promoters Pvt. Limited, Village Karala, Zirakpur-Rajpura Highway since December, 2013. The submission of the representative for the applicant qua mentioning of wrong address of the applicant in the complaint by the complainant stands falsified from the copies of the documents of the applicant itself i.e. Brochure Annexure-R1, registration form Annexure-R2, brief-sheet about address Annexure-R3 and copy of the Appeal filed by the applicant titled as Chandigarh Royale Vs. Mohan Singh Annexure-R4, wherein, the address has been mentioned as Registered office SCO No.489-490, Level-II, Sector 35-C, Chandigarh. Above documents Annexure R1 to R3 are

*J. S. Sandhu*  
13/9/2018

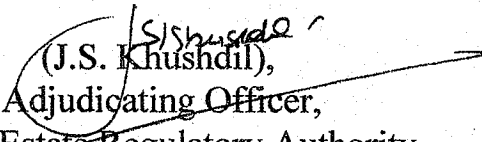
stated to be available on the website of the applicant. In these circumstances, it does not lie in the mouth of the representative for the applicant that the address mentioned above is not operational since the year 2013. It is the averment of the complainant-respondent that the notice sent to the applicant on the address of village Karala, Zirakpur-Rajpura Highway, Banur, was not replied and as such the complaint was filed by way of mentioning the address of the present applicant (respondent in the complaint) available on the website. So, it cannot be said that the applicant was sued in the complaint by way of mentioning wrong address or that proper service was not effected upon it.

7. The strict principles of Civil Procedure Code are not applicable to this Authority except to the extent mentioned in the Act itself. The applicant has been duly served. No cogent reason or ground has been disclosed by the applicant, which could be sufficient to convince this Bench so as to set aside the impugned orders. No new ground has been disclosed, therefore, there is no merit in the application and the same is hereby dismissed and the applicant Chandigarh Royale City Promoters Private Limited, Chandigarh is burdened with costs of Rs.10,000/- to be paid to

*SKM*  
13/9/2015

respondents/complainants Om Parkash and Rameshwar Dass in equal shares. The file be consigned to record room.

Dated: 13.09.2018

  
(J.S. Khushdil),  
Adjudicating Officer,  
Real Estate Regulatory Authority.

13/9/2018