

PROCEEDINGS OF THE DAY

Day and Date	Thursday and 04.07.2019
Complaint No.	119/2018 case titled as Vandana Kadian vs. Today Homes & Infrastructure Limited
Complainant	Vandana Kadian
Represented through	Shri Sushil Yadav Advocate for the complainant.
Respondent	Today Homes & Infrastructure Pvt. Ltd.
Respondent Represented through	Shri Naveen Jakhar, Assistant Legal Manager (AR) on behalf of respondent company in person.
Last date of hearing	17.10.2019
Proceeding Recorded by	Naresh Kumari & S. L. Chanana

Proceedings

Project is not registered with the authority.

Since the project is not registered, notice under section 59 of the Real Estate (Regulation & Development) Act, 2016, for violation of section 3(1) of the Act be issued to the respondent. Registration branch is directed to do the needful.

Arguments heard.

It is pertinent to point out here that the matter has been finally decided vide order dated 17.10.2018. As per order dated 2.5.2019 passed by the Hon'ble Real Estate Appellate Tribunal, Chandigarh, the relevant para of which is as under:-

"It is made clear that this order of ours will not apply to the orders directions and decisions, which has already attained finality".

More-over, the Local Commissioner report dated 20.2.2019, who was appointed by the authority on the request dated 21.12.2018 submitted by the respondent, has also been considered wherein it has been specifically mentioned that physically about 46% construction work has been completed at site. The above progress report is not inconsonance with the claim of the respondent that more than 75% work is complete at site. Therefore, the request of respondent for rectification of order dated 17.10.2018 on this pretext cannot be conceded to at this late juncture when the order pronounced on 17.10.2018 has already attained finality.

By virtue of all portents of law, the matter has reached finality and is res-judicata and cannot be re-opened at a subsequent stage. The report of of LC at a subsequent stage is not relevant in the present case.

Application filed by the applicant for rectification of the order dated 17.10.2018 is not maintainable and the prayer made by the applicant is declined. File be consigned to the registry.

Samir Kumar
(Member)
04.07.2019

Subhash Chander Kush
(Member)