

ITEM NO.4+22+23 COURT NO.3 CORRECTED C/T*
SECTION XI
(HEARING THROUGH VIDEO CONFERENCING)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.6199/2021
(Arising out of impugned final judgment and order dated 29-01-2021
in WC No.26462/2020 passed by the High Court Of Judicature At
Allahabad)

LA RESIDENTIA DEVELOPERS PVT. LTD. Petitioner(s)

VERSUS

STATE OF U.P. & ORS. Respondent(s)

(FOR ADMISSION and I.R.; IA No.54370/2021 - FOR EXEMPTION FROM
FILING C/C OF THE IMPUGNED JUDGMENT; IA No.54369/2021 - FOR
EXEMPTION FROM FILING O.T.; and, IA No.54371/2021 - FOR PERMISSION
TO FILE LENGTHY LIST OF DATES)

WITH

Petition for Special Leave to Appeal (C) No.6671/2021
(FOR ADMISSION and I.R.; IA No.59102/2021 - FOR EXEMPTION FROM
FILING C/C OF THE IMPUGNED JUDGMENT; IA No.59101/2021 - FOR
EXEMPTION FROM FILING O.T.; IA No.59103/2021 - FOR PERMISSION TO
FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Petition for Special Leave to Appeal (C) No.6711/2021
(FOR ADMISSION and I.R.; IA No.59499/2021 - FOR EXEMPTION FROM
FILING C/C OF THE IMPUGNED JUDGMENT; IA No.59498/2021 - FOR
EXEMPTION FROM FILING O.T.; and, IA No.59500/2021 - FOR PERMISSION
TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 06-05-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Manish Singh, Adv.
Mr. Shashank Singh, AOR

Mr. Shekhar Kumar, AOR
Mr. Chandan Kumar Mandal, Adv.
Mr. Janme Jay, Adv.

For Respondent(s) Mr. Pai Amit, AOR
(For UPRERA) Ms. Komal Mundhra, Adv.
Mr. Saurabh Agrawal, Adv.
Mr. Shantanu Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The Division Bench of the High Court of Punjab & Haryana in its decision dated 16.10.2020 passed in CWP No.8548 of 2020 etc., (*Janta Land Promoters Private Limited v. Union of India & Others etc.*) concluded *inter alia* as under:

“(a) A Single Member of the Authority cannot validly pass orders on a complaint under the Act. Regulations 7 and 8 of the Punjab RERA Procedure Regulations are struck down as being *ultra vires* the Act.”

The challenge at the instance of Punjab RERA Authority in Special Leave Petition (Civil) No.13192 of 2020 and other connected matters is pending consideration before this Court.

The High Court of Judicature at Allahabad, however, relying upon its earlier decision in Writ-C No.2248 of 2020 (*M/s. K.D.P. Build Well Pvt. Ltd. v. State of U.P. & Others*) held exactly to the contrary.

The decision rendered by the High Court of Judicature at Allahabad is pending consideration before this Court in two batches of petitions, namely, (a) *M/s. M.R. Mittals Infratech Pvt. Ltd. v. State of U.P. & Others*, SLP (Civil) No.20585 of 2019; and, (b) *M/s. SANA Realtors Pvt. Ltd. v. Union of India* & Others*, SLP (Civil) No.13005 of 2020.

It is submitted that on 15.04.2021, SLP (Civil) No.13005 of 2020 (*M/s. SANA Realtors Pvt. Ltd. v. Union of India* & Others*) and other connected matters were directed to be listed on 04.05.2021. However, because of the lockdown pursuant to COVID-19 pandemic, the matters have not yet been listed.

In the circumstances, we direct as under:

- a) Issue Notice in all these matters.
- b) Dasti service, in addition, is permitted.
- c) Mr. Amit Pai, learned Advocate appearing for UP RERA on caveat accepts notice in all these matters.
- d) As regards the interim relief, we direct that all these matters be listed on 28.06.2021 so that a uniform order is passed in all the matters.
- e) Pending such consideration, any recovery pursuant to the judgment presently under challenge shall remain stayed.
- f) List these matters alongwith connected matters, the lead matter being SLP (Civil) No.13005 of 2020 (*M/s. SANA Realtors Pvt. Ltd. v. Union of India* & Others*), on 28.06.2021, before the appropriate Court after seeking requisite directions from the Hon'ble the Chief Justice of India.

(MUKESH NASA)
COURT MASTER

(VIRENDER SINGH)
BRANCH OFFICER