



Gujarat Real Estate Appellate Tribunal
6th Floor, E - 1 Wing, Block No.3,
Karmyogi bhavan, Sector-10A,
Gandhinagar-382010.
Telephone No. : (079)-232-58044/46

GREAT/Appeal/689/2026

Date:10/02/2026

To,

APPELLANT :- (1) M/s Galaxy Mall Private Limited...
Galaxy House, Near Dastan Farm,
S.P. Ring Road, Kathwada,
Ahmedabad-382430.

V/S:-

RESPONDENT:- (1) Bharat Nagjibhai Ramani
101, Aardhana Residency,
Near Gangotri Circle, Nikol,
Ahmedabad-382430.

ગુજરાત કચેરી, ગાંધીનગર
તારીખ : 18 FEB 2026
ક્રમ નંબર : ૨૩૨૮
શાખાનું નામ : Legal
અથવા નંબર :
દફતર : ૧૦/૦૨/૨૦૨૬

(2) Gujarat Real Estate Regulatory Authority,
Sahyog Sankul, 4th Floor, Sector-11, Gandhinagar.
Gandhinagar-382010
With Original R&P & Complaint No.
CMP/Ahmedabad/190914/000290
And Other Documents enclosed here With

Sub:- Appeal No. 110 of 2020

The above matter was listed today for order. The certified copy of the Judgment and Order passed by the Gujarat Real Estate Appellate Tribunal is enclosed herewith.

By Order,

(J. L. Vala)

Registrar cum Consultant
Gujarat Real Estate Appellate Tribunal
Gandhinagar.

Ms Anbu

BEFORE GUJARAT REAL ESTATE APPELLATE TRIBUNAL
GANDHINAGAR

APPEAL NO. 110 OF 2020

M/s. Galaxy Mall Private Limited
"Galaxy House"
SP Ring Road, Kathwada
Ahmedabad-382 430

...APPELLANT
(Org. respondent-Promoter)

Versus

[1] **Bharat Nagjibhai Ramani**
101, Aardhana Residency
Near Gangotri Circle, Nikol
Ahmedabad 382 430;

[2] **Gujarat Real Estate Regulatory Authority**
"Sahyog Sankul" Sector 11
Gandhinagar

... RESPONDENTS

CORAM : **Hon'ble Mr. Justice R.M Chhaya [Retd.] Chairman**
Mr. Ram Kumar, Member (T & A)
Mr. Hemant A Dave, Member (Judicial)

J U D G M E N T

[Per - Chairman]

Feeling aggrieved and dissatisfied by an Order dated 3rd September 2020 passed by the Gujarat Real Estate Regulatory Authority, Gandhinagar [**"the RERA Authority"** for short] in Complaint No. CMP/Ahmedabad/190914/000290, the original respondent-promoter has preferred this

Appeal No. 110 of 2020



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Appeal under Section 44 of the Real Estate [Regulation & Development] Act, 2016 [hereinafter referred to as "**the Act**" for short].

2. The following noteworthy facts emerge from the record of the present Appeal.

2.1 That, the appellant floated a real estate project comprising residential units in the name of "*Keshav Galaxy*" upon the land admeasuring 6,938 sq.m, bearing Revenue Survey No. 374/2, being Final Plot No. 7/2 of Town Planning Scheme No. 110 at Nikol, Ahmedabad.

2.2 It is the case of the respondent-original complainant that he booked a Flat no. H-502 in the said real estate project and paid a sum of Rs. 33,50,000/= without agreement to sell. It is further the case of respondent-original complainant that the possession was not given to him on or before April 2018; as promised. On such factual *matrix*, as the possession was not given, the respondent-original complainant filed instant complaint before the RERA Authority under Section 31 of the Act, and *inter alia*,



prayed for "*possession of flat, interest on late possession as per RERA AFS*". Such complaint was lodged before the RERA Authority on 14th September 2019.

The respondent-original complainant relied upon "*registration certificate of project*" in Form 'C' issued by the RERA Authority on 6th November 2017 which indicates that such project, named, "*Keshav Galaxy*" was registered under the provisions of the Act of 2016 for Blocks "E", "F" & "G".

The complainant also relied upon entries made in the Pass-book of Savings Bank Account standing in his name with State Bank of India, Nava Naroda Branch to indicate the mode of payment made by the respondent-original complainant. It further appears from the record that the respondent-original complainant also relied upon a Legal Notice dated 20th August 2019 given by the respondent through his advocate Shri Manoj M Shiroya to the appellant and his partners.

On receipt of the notice in respect of the complaint filed by the respondent-original complainant, the appellant



herein filed objection before the RERA Authority on 14th November 2019, and inter alia, contended that the complaint deserves to be dismissed on the sole ground of suppression of facts. It was specifically contended that the RERA Authority has no *jurisdiction* to entertain the complaint as the real estate project was not within the frame work of law and therefore the RERA Authority lacks *jurisdiction*. It was contended that the Act of 2016 came into force with effect from 1st day of May 2017. It was further contended that the real estate project "Keshav Galaxy" which is a 2 & 3 BHK residential scheme, comprises of 150 units, divided into various phases, constructed in various stages. It was also contended that, upon completion of each and every phase, a separate Building Use permission was applied for and obtained from the respective competent authority by the promoters, and thus, each phase, as was developed by the appellant-promoter, was a stand alone real estate project.



It was specifically contended that Phase Block No. H was complete before the Act of 2016 came into force and the completion certificate *qua* Block "H" was issued by the

competent authority on 11th July 2016, and hence, the project which came to be registered as an "on going" project was for Blocks "E", "F" & "G" only and no registration for remaining phases of the real estate project was required.

It was further contended that the respondent-original complainant and his relatives were partners with the promoter-Director in other projects, where as the fraud was discovered, certain financial adjustments were made and hence, there was no question of execution of the sale deed in favour of the respondent-original complainant. It was the case of the appellant-promoter that the present issue falls within the exclusive realm of civil dispute and the RERA Authority has no *jurisdiction* to entertain the same. The appellant also relied upon form "C" which is a registration certificate of the project dated 6th November 2017 which indicates that the real estate project "Keshav Galaxy" was registered under the provisions of Act for Blocks "E", "F" & "G"; as aforesated.



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The record further indicates that a Civil Suit, being Special Civil Suit No. 573 of 2019 is pending before the Court of learned Senior Civil Judge, Ahmedabad [Rural] under the provisions of the Arbitration & Conciliation Act, 1996 between Udaybhai Dineshchandra Bhatt & Ors. and Maganbhai Nagjibhai Ramani & Ors.

The record also indicates that a criminal complaint has been lodged before the competent Court, being Complaint No. 19091 of 2014, by the respondent-original complainant.

The record unfolds that the respondent-original complainant relied upon following documentary evidence before the RERA Authority. These were -

- [a] Abstract of Statement of Savings Bank Account No. 20101683856 of the complainant maintained with State Bank of India;
- [b] Copy of Certificate of Registration of Project with the RERA Authority dated 11th June 2017 for Blocks "E", "F" & "G".
- [c] Copy of Notice dated 20th August 2019 served upon the promoters;
- [d] Copy of Statement of Account of the Complainant;



- [e] Copy of FIR in a Crime Register-I No. 052018;
- [f] Copy of Newspaper article dated 25.09.2019 published in "Divya Bhaskar".

And whereas, the appellant-opponent relied upon the following documentary evidence before the RERA Authority.

These were -

- [a] Copy of Project registration certificate dated 11th June 2017;
- [b] Copy of Building Use Permission dated 13th July 2016;
- [c] Copy of Notice dated 27th November 2019 served upon the complainant;
- [d] Copy of Notice dated 15th December 2019 served upon the complainant;
- [e] Copy of Debit Note dated 25th November 2019;
- [f] Copy of reply to the notice dated 29th August 2019 which was issued by Advocate-Shri Manoj M Shiroya;
- [g] Copy of Special Civil Suit No. 573 of 2019;
- [h] Copy of Application moved in Special Civil Suit No. 573 of 2019 in respect of arbitration;
- [i] Copy of reply submitted by the respondent in Special Civil Suit NO. 573 of 2019;
- [j] Copy of Affidavit tendered by Hareshbhai Nagjibhai Ramani in Special Civil Suit No. 573 of 2019;



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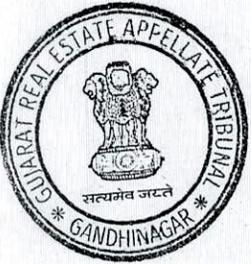
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- [k] Copy of Order passed by learned JMFC, Ahmedabad [Rural] below Exh. 1 in Criminal Inquiry Case No. 54 of 2020;
- [l] Copy of FIR registered at Nikol Police Station.

Lastly, it was contended before the RERA Authority by the respondent-original complainant that he was a labour contractor in the real estate projects promoted by the respondent-promoters.

The RERA Authority, after considering the evidence on record and appreciating the same, came to the conclusion that full consideration towards Flat H/502, since has been received by the promoter, the appellant-promoter has not executed the Sale Deed, and hence, while allowing the complaint, issued direction to the effect - that, the appellant - M/s. Galaxy Mall Private Limited *ie.*, the promoter of the real estate project "*Keshav Galaxy*" shall execute a registered conveyance deed of Flat No. H-502 in favour of the complainant-Mr. Bharabhai Nagjibhai Ramani within forty five days from the date of the order impugned herein and pay cost of Rs. 10,000/= to the complainant.



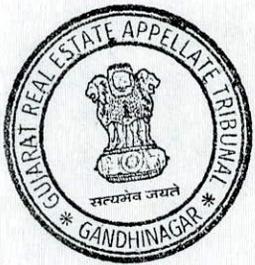
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Being aggrieved and dissatisfied by the said direction issued by the RERA Authority *vide* order *impugned*, the present Appeal is filed.

Heard learned advocates Mr. Lokesh Shah for the appellant; Mr. Manthan Rathod for the private respondent and Ms. Ambika Sharma, learned Junior Legal Associate for the respondent-Gujarat Real Estate Regulatory Authority. Perused the original record and proceedings.

It may be noted that, earlier, the appellants were represented by learned advocate Shri JS Rajpurohit, who has filed written arguments dated 6th October 2021 which are available on the records of this Appeal. It was contended by learned advocate Mr. Lokesh Shah, now appearing for the appellants that, for Block "H" the Building Use permission was granted by the competent authority *viz.*, Ahmedabad Municipal Corporation on 11th July 2016; a copy of which is also brought on the record. It was contended that, thus as far as Block-H is concerned, the said phase of real estate project was completed before the Act of 2016 came into force. Mr. Shah, learned advocate for



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the appellant contended that therefore, the RERA Act would not be applicable to the facts of this case, and hence, RERA Authority has no *jurisdiction* to entertain the complaint filed by the respondent-original complainant under Section 31 of the Act. Mr. Shah, learned advocate for the appellant further contended that as the order is without *jurisdiction*, the *impugned* order deserves to be *quashed* and set-aside.

Referring to the written arguments filed; as aforestated, it was averred that the respondent-original complainant is a labour contractor of the appellant and he was involved in the process of providing labour in the development of the said project. It was further contended by learned advocate for the appellant that in addition to the fact that, the respondent being a labour contractor of the said real estate project, the families of the promoters as well as the respondent herein were also partners in other similar real estate projects which were being developed jointly by the Bhatt family and Ramani family; such as Galaxy Intercity & Galaxy Homes. It was further contended that the appellant has undertaken development of the real estate project in the phased-manner, and after completion of



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each and every phase, separate Building Use Permissions were applied for and granted by the competent authority, and therefore, each phase developed is a stand alone project.

Learned advocate Mr. Lokesh Shah appearing for the appellant contended further that on commencement of the Act of 2016 *ie.*, 1st day of May 2017, Blocks "E" "F:" & "G" were "*on-going*" and therefore, registration only for those three blocks *ie.*, "E" "F" & "G" came to be obtained under Section 3 of the RERA Act.

Relying upon the judgment of the *Hon'ble* Supreme Court in the case of **New Tech Promoters & Developers Private Limited vs. State of Uttar Pradesh & Ors.**, reported in [2021] 18 SCC 1, it was contended that, as held by the *Hon'ble* Apex Court in the aforesaid case, as Block "H" was complete in all respect before the commencement of the Act and the completion certificate/Building Use permission was also granted by the competent authority before the commencement of the Act, provisions of the Act of 2016 would not be applicable. It was contended that the



RERA Authority has no *jurisdiction* to entertain the complaint. On the aforesaid ground, it was therefore contended by learned advocate for the appellant that the *impugned* order being without *jurisdiction*, deserves to be *quashed* and set-aside.

Per contra, Mr. Manthan Rathod, learned advocate appearing for the respondent-org. Complainant submitted that Building Use permission is not sufficient evidence to oust the *jurisdiction* of the RERA Authority. Mr. Rathod, learned advocate for the respondent contended that the sale deed has not been executed in favour of the respondent original complainant, even though full consideration has been received by the appellant-promoters. It was, therefore submitted that the RERA Authority has correctly appreciated the evidence available on the record and has given direction in accordance with the provisions of the Act, and no interference is called for.



Learned advocate Mr. Rathod appearing for respondent-original complainant has relied upon written submissions dated 26th December 2025 filed in the present

Appeal and contended that as per balance sheet which could not be brought on the record before the RERA Authority, liability of the appellant is shown in the said balance sheet of the appellant. It was submitted that such an unimpeachable document clearly shows that Unit No.H-502 is in the name of Mr Bharat Nagjibhai Ramani, respondent-original complainant. Relying upon audited balance sheet of the appellant for F.Y 2019-2020, more particularly, page nos. 49 & 50 of the said Balance Sheet, it was contended that even as per the appellant, the flat in question is shown in the name of Shri Bharat Nagjibhai Ramani against Apartment No. H-502. It was therefore contended that the RERA Authority has rightly directed the appellant to execute the sale deed in favour of the respondent-original complainant for Flat No. H-502. It was contended that appeal being bereft of any merits, deserves to be dismissed.



Ms. Ambika Sharma, learned Junior Legal Associate appearing for the RERA Authority has supported the *impugned* Order dated 3rd September 2020.

No other and/or further arguments, contentions or submissions were advanced for and on behalf of the

respective parties.

We have perused the original record, memo of appeal and heard in detail, arguments advanced for and on behalf of the respective sides, and record, the following questions arise for consideration by this Tribunal in this Appeal.

{A} "In view of the fact that completion certificate for Block "H" was granted by the Ahmedabad Municipal Corporation on 11th July 2016, as the competent authority, whether the RERA Authority has any *jurisdiction* to entertain the present complaint U/s. 31 of the Act or not ?"

{B} "Whether the registration of the project for Blocks "E" "F" & "G" would give jurisdiction to the RERA Authority to entertain the complaint under Section 31 of the Act or not ?"

{C} "Whether the RERA Authority has committed any error in directing the appellant to execute sale deed in favour of the respondent-original complainant for Flat No. 502 of Block "H" or not? "

{D} "Whether the RERA Authority has committed any error in partly allowing the complaint ?"



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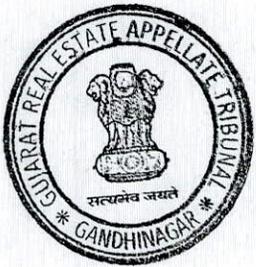
All the questions raised hereinabove are inter-related and inter-connected, and therefore, the same are hereby dealt with simultaneously.

Before reverting to the submissions made, it would be apt to refer to the relevant provisions of the Act.

Section 2 (p) - "**competent authority**" means the local authority or any authority created or established under any law for the time being in force by the appropriate Government which exercises authority over land under its jurisdiction, and has powers to give permission for development of such immovable property."

Section 2 (q) - "**completion certificate**" means the completion certificate, or such other certificate, by whatever name called, issued by the competent authority certifying that the real estate project has been developed according to the sanctioned plan, layout plan and specifications, as approved by the competent authority under the local laws."

It may be taken note of the fact that the real estate project is situated within the local limits of Ahmedabad Municipal Corporation, and hence, Ahmedabad Municipal Corporation is the "**competent authority**" within the meaning and definition of Section 2(p) of the Act of 2016.



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The fact that the completion certificate has been granted by the Ahmedabad Municipal Corporation on 11th July 2016 is noted by the RERA Authority and it has also been indicated that phase of Block "H" was complete before the commencement of the Act. The registration certificate of the project dated 6th November 2017 in Form-C clearly show that the real estate project *ie.*, "Keshav Galaxy" was registered for development of residential units of Blocks "E" "F" and "G" only. And hence, as per explanation to Section 3 of the Act, *"where the real estate project is to be developed in phases, every such phase shall be considered a stand-alone real estate project and the promoter shall obtain registration under this Act for each phase separately."*

It is an admitted position that, as the phase of Block "H" was complete and the completion certificate was issued by the competent authority on 11th July 2016 *ie.*, before the commencement of the Act, the said phase *ie.*, Block "H" was not registered as an "on going" project. At this juncture, it would be appropriate to refer to the judgment of the Apex Court in the case of **New Tech Promoters & Developers Private Limited vs. State of Uttar Pradesh & Ors.**



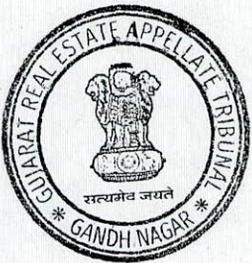
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[Supra], wherein, in paragraphs 51 to 53, the Court has observed, thus-

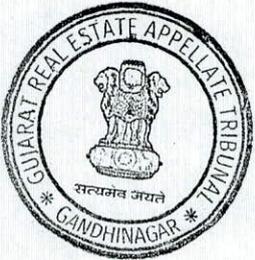
“51. Parliament intended to bring within the fold of the statute the ongoing real estate projects in its wide amplitude used the terms “converting and existing building or a part thereof into apartments” including every kind of developmental activity either existing or upcoming in future under Section 3 (1) of the Act, the intention of the legislature by necessary implication and without any ambiguity is to include those projects which were ongoing and in cases where completion certificate has not been issued within fold of the Act.

52] That even the terms of the agreement to sell or home buyers agreement invariably indicate the intention of the developer that any subsequent legislation, rules and regulations, etc. issued by competent authorities will be binding on the parties. The clauses have imposed the applicability of subsequent legislations to be applicable and binding on the flat buyer/allottee and either of the parties, promoters/home buyers or allottees, cannot shirk from their responsibilities/ liabilities under the Act and implies their challenge to the violation of the provisions of the Act and it negates the contention advanced by the appellants regarding contractual terms having an overriding effect to the retrospective applicability of the Authority under the provisions of the Act which is completely misplaced and deserves rejection.



53] From the scheme of the 2016 Act, its application is retroactive in character and it can safely be observed that the projects already completed or to which the completion certificate has been granted are not under its fold and therefore, vested or accrued rights, if any, in no manner are affected. At the same time, it will apply after getting the ongoing projects and future projects registered under Section 3 to prospectively follow the mandate of the 2016 Act..”

In the case on hand, as the project as far as Block “H” is concerned, was already completed and the completion certificate was already granted by the competent authority. Therefore, the said block/phase of the real estate project would not fall within the purview of the provisions of the RERA Act. In such factual *scenario*, therefore, provisions of RERA Act would not be applicable for Block “H”. Even for the on-going phase *ie.*, Blocks “E” “F” & “G”, the provisions of the RERA Act would be applicable from the date of its registration *ie.*, 6th November 2017; as reflected in the certificate of registration of the project. It is no doubt true that, as contended by Mr. Rathod, the provisions of the RERA Act are “*consumer centric*” and even if additional evidence is appreciated, as the completion certificate for Block “H” was granted by the competent authority *ie.*,



Ahmedabad Municipal Corporation before the commencement of the Act, provisions of the Act would not be applicable to that phase of the real estate project. Therefore, this Tribunal is of the opinion that the RERA Authority has no *jurisdiction* to entertain the complaint. The *impugned* Order dated 3rd September 2020 passed by the RERA Authority, since being rendered before decision of the Apex Court in the case of **New Tech Promoters & Developers Private Limited vs. State of Uttar Pradesh & Ors.** [Supra], naturally, it had no occasion to consider the *ratio* laid down by the *Hon'ble* Supreme Court in the said decision. Be that as it may be so, the order *impugned*, since being without *jurisdiction*, the directions issued thereunder also would be without *jurisdiction*, and therefore, the same deserves to be *quashed* and set-aside.

In the facts and circumstances of the case, RERA Authority has no *jurisdiction* to entertain Complaint No. CMP/Ahmedabad/1909014/000290 filed under Section 31 of the Act of 2016 by the respondent-original complainant. Thus, RERA Authority has committed an error in entertaining the complaint and in issuing the directions.

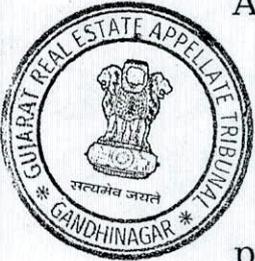


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Thus, following the ratio laid down by *Hon'ble* Supreme Court in the case of **New Tech Promoters & Developers Private Limited vs. State of Uttar Pradesh & Ors.** [Supra], as the completion certificate for Block "H" was granted by the competent authority before commencement of the Act, and as the said phase of the real estate project was completed before commencement of the Act, provisions of the Act of 2016, would not be applicable, and hence, the RERA Authority has no *jurisdiction* to entertain the instant complaint under Section 31 of the Act.

As we have come to the conclusion that the RERA Authority had no *jurisdiction* to entertain the instant complaint, other Questions are not necessarily to be dealt with, and additional evidence adduced by the respondent-original complainant would not infuse jurisdiction in RERA Authority which otherwise it lacks.



As provided under Section 88 of the Act of 2016, the provisions of RERA Act shall be in addition to, and not in derogation of, the provision of any other law for the time being in force. And therefore, if any dispute or litigation is

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pending under any other Act, any observations made in this Order shall not affect the same as we have come to the conclusion that the order *impugned* is without *jurisdiction*. It goes without saying that it would be open for the respondent-original complainant to address his grievances before any other forum in accordance with law.

Appeal, therefore, deserves to be allowed and is hereby allowed. *Impugned* Order dated 3rd September 2020 passed by the RERA Authority in Complaint, being Complaint No. CMP/Ahmedabad/190914/000290 is hereby *quashed* and set-aside. No costs.

Amount; if any, paid by the appellant herein under Section 43 [5] of the Act shall be remitted back, after due verification.

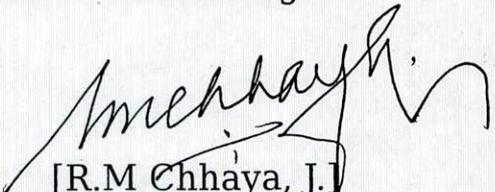
Record and proceedings be transmitted back to the RERA Authority *forthwith*.

Pronounced on this **10th February 2026** at Gandhinagar.



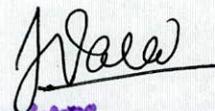

[Ram Kumar]
Member (T & A)


[H.A. Dave]
Member (Judicial)


[R.M. Chhaya, J.]
Chairman

Prakash*

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On 10.02.2026


Registrar
Gujarat Real Estate Appellate Tribunal,
Gandhinagar

Appeal No. 110 of 2020