

Himachal Pradesh Real Estate Regulatory Authority, Shimla-2

M.A. No.13 of 2022

In complaint numbers mentioned below :-

S.No.	Compl ainant	Respondent	Complaint No.
1	Ms Aditi Rao	M/s Rajdeep& Co and others	RERA HP SHCTA 06200024
2	Smt. Nisha Singh	M/s Rajdeep& Co and others	RERA HP SHCTA 06200025
3	Sh. Paras Verma and another	M/s Rajdeep& Co and others	RERA HP SHCTA 05180003
4	Sh. Jeetender Bhardwaj	M/s Rajdeep& Co and others	HP/RERA-OFL-2020-03 (A)
5	Sh. Narender Bhardwaj	M/s Rajdeep& Co and others	HP/RERA-OFL-2020-03 (B)
6	Godawari Bharwaj and another	M/s Rajdeep& Co and others	RERA HP SHCTA 04190016
7	Suresh Kumar Sharma	M/s Rajdeep& Co and others	HPRERA/OFL/2019-02
8	Smt. Vidya Negi	M/s Rajdeep& Co and others	HP RERA/OFL/2020/14
9	Vivek Gupta	M/s Rajdeep& Co and others	RERA/HPMACTA/06200026
10	Ravi Kant	M/s Rajdeep& Co and others	RERA/HP SOCTA/04180002

Application under section 37 and 38 of the Real Estate (Regulation and Development) Act, 2016

Date of filing : 14.3.2022

Date of pronouncement: 07.06.2022

ORDER

An application was filed by Sh. Rajdeep Sharma (for Rajdeep & Company Infrastructure Private Ltd.), Smt. Shakuntla Sharma & Sakshi Sharma under Section 37 & 38 of the Real Estate (Regulation & Development) Act, 2016 praying for issuance of necessary directions allowing sale of properties and operation of bank accounts of the applicants. It was submitted by way of this application that the Authority in the abovementioned cases had passed attachment orders barring the applicants from selling/ leasing/ booking/ allotting their properties in State of Himachal Pradesh and also further ordered attachment of their bank accounts.

The directions to attach the property barring applicants from selling/ leasing/ allotting/ booking any remaining flats/ land in their projects situated in the State of Himachal Pradesh and the orders qua attachment of bank accounts was passed in

complaints filed by Godawari Bhardwaj and Ashok Bhardwaj (RERA/HPSOCTA 04190016), Suresh Kumar (HPRERA/OFL/2019-02), Nisha Singh (RERA/HPSHCTA 06200025), Aditi Rao (RERA/HPSHCTA 06200024), Ravi Kant (RERA/HPSOCTA 04180002), Paras Verma (RERA/HPSOCTA 05180003), Vivek Gupta (RERA/HPMACTA 06200026), Narinder Bhardwaj (HPRERA/OFL-2020-03(B)) Jeetender Bhardwaj (HPRERA/OFL-2020-03(A)) and Vidya Negi ((HPRERA/OFL/2020/14).

In pursuance to these orders the properties of applicants situated in Kasauli, District Solan were attached vide mutation no. 192 dated 4.2.2021 and the properties in Shimla were attached vide mutation no. 182 dated 17.1.2022. Further the bank accounts of applicants in Yes Bank (account no. 001563700000911), HDFC bank (account no. 50200025159344) & Central Bank of India (account no. 3342843893) were also attached.

The Authority vide order dated 11.01.2022 in MA no. 5 & 6 of 2021 partially modified its orders in the complaint cases mentioned above and directed removal of entries of attachment done vide mutation no. 192 dated 4.2.2021 in the revenue record pertaining to Kasauli Paraiso project located at Mohal Chattyaan Kasauli in Solan District.

By way of another application MA 7 of 2022 for the purpose of enabling the applicants to settle the matters, the Authority further partially modified its previous orders to the extent that the applicants were permitted to sell/ lease/ book/ allot or alienate in any other manner the respective flats allotted to Jeetender Bhardwaj and Narender Bhardwaj in Claridges Residency and the mutation no. 182 dated 17.1.2022 was directed to be modified to this extent.

It has been prayed by the applicants that majority of the cases have been settled and therefore necessary directions may kindly be issued to the relevant authorities to remove the attachment orders and alter/ modify the mutation no. 182 dated 17.1.2022 accordingly. Further a request has also been made to remove attachment of the bank accounts ordered by the Authority.

The Authority after going through the records of the aforementioned cases pending in the Authority is certain that majority of the other cases against applicants are in

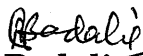
the process of settlement or have been settled but the penalties imposed by the Authority have not been fully deposited in all these cases. However, qua the penalty issue the applicants have preferred appeals before the Ld. Appellate Tribunal, Panchkula which are pending adjudication and are ordered to be listed for hearing in the month of July, 2022.

The Authority expects the applicants to honour their commitments in the settlements going on in the aforementioned cases and also expects the applicants to deposit the penalties imposed against them within time granted in terms of the orders passed by this Authority or as directed by the Ld. Appellate Tribunal, in cases where appeals qua penalty are pending. In case of any failure to deposit the penalty within the stipulated time the Authority will be constrained to take coercive measures against the applicants.

After discussion in the meeting of the Authority, the Authority in the interest of justice deems it proper to order removal of entries of attachment of land/ flats entered in the revenue record vide report no. 182 dated 17.1.2022 situated in Claridges Residency, Shimla , District Shimla. The office of this Authority is directed to issue a communication in this regard to Ld. District Collector, Shimla and Tehsildar to ensure its compliance.

Further attachment orders qua the bank accounts in Yes bank, HDFC bank and Central Bank of India are revoked from the date of passing of this order. The office of this Authority is directed to write orders to concerned banks intimating them of today's order whereby the attachment of bank accounts has been ordered to be revoked/removed.

The application is disposed of in aforesaid terms.


B.C. Badalia
MEMBER


Dr. Shrikant Baldi
CHAIRPERSON


Rajeev Verma
MEMBER