

**REAL ESTATE REGULATORY AUTHORITY,
HIMACHAL PRADESH**

In the matter of:-

1. Sh. Vijay Bhardwaj, R/O Flat No. D-203, High Valley Apartments,
Village Bated (Barotiwala), Tehsil Baddi, District Solan (H.P.)

..... Complainant

Versus

M/s Highway Valley Builders, Office Address- Flat No. A-101, High Valley
Apartments, Village Bated (Barotiwala), Tehsil Baddi, District Solan
(H.P.)

.....Non-Complainants/ Respondents

Complaint No. RERAHPSOCTA-03210042

Date of Filing- 08.03.2021

2. Sh. Pradeep Thakur R/O Flat No. D-103, High Valley Apartments, Village
Bated, Barotiwala, Baddi, H.P. - 174103

.....Complainant

Versus

M/s High Valley Builders, Office Address- Flat No. A-101, High Valley
Apartments, Village Bated (Barotiwala), Tehsil Baddi, District Solan
(H.P.)

.....Non-Complainants/ Respondents

Complaint No. RERAHPSOCTA-03210043

Date of Filing- 08.03.2021

Present: - Sh. Vijay Bhardwaj along with Sh. Pradeep Thakur, complainants through Webex

Sh. Mohit Dhiman, Ld. Advocate along with Sh. Dinesh Kumar, representative of the respondent promoter through Webex

Sh. Abhishek Sood, Assistant District Attorney, RERA, Himachal Pradesh

Date of Disposal- 25.09.2021

ORDER

CORAM: - Chairperson and both Members

In the present matter, two separate complaints were filed by the complainants with the same relief having similar/identical issues involved and with respect to the same project i.e Highway Valley Apartments situated at Village Bated (Barotiwala), Tehsil Baddi, District Solan (H.P.) 174103. Therefore, both the complaints were taken up together and are being disposed of by the same order.


Both the complainants have made same prayer in their complaints which is as under-

“The illegal construction work of shops on F.F. in place of approved community hall may please be stopped immediately and the necessary directions be issued to builder for providing community hall for the welfare of society as per already approved plan”

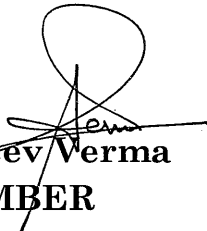
This Authority in order to ascertain the correct factual position had vide its order dated 16.04.2021 instructed Baddi Barotiwala Nalagarh Development Authority to carry out site inspection of the project who vide its report dated 10.06.2021 had informed that the respondent promoter had violated the conditions, parameters, approved drawings and the plan by constructing six number of shops of size 4.02 metres X 9.10 metres (Total 36.58 square metres) instead of community hall of size 30.150 metres X 12.200 metres on the first floor of the building. This Authority vide its order dated 21.06.2021 had directed the respondent promoter to dismantle the aforesaid unauthorized construction and construct the community hall as per the approved layout plan.

The matter was listed for hearing today. Sh. Mohit Dhiman, Ld. Counsel has filed power of attorney and a letter dated 18.09.2021 on behalf of the respondent promoter. Vide the aforesaid letter dated 18.09.2021, it has been submitted on behalf of the respondent promoter that the abovementioned unauthorized construction of the six shops has been dismantled and a community hall has been constructed on the first floor of the building in compliance of the previous order. The photographs appended with the aforesaid letter substantiate the claim of the respondent promoter. It has further been submitted on behalf of the respondent promoter that it had

applied for completion certificate on 20th September, 2021 with the competent authority. The Authority after perusal of the letter and photographs attached herewith is satisfied that the order dated 21.6.2021 has been complied with by construction of community hall after dismantling six shops and thus, the grievances of the complainants have been redressed. Therefore, both the complaints are disposed off being satisfied with a direction to the respondent promoter to enable the formation of the association of allottees and handover all the common areas including the community hall to the association so formed at the earliest.


B.C. Badalia
MEMBER


Dr. Shrikant Baldi
CHAIRPERSON


Rajeev Verma
MEMBER