

**REAL ESTATE REGULATORY AUTHORITY
HIMACHAL PRADESH**

01.05.2024

Complaint No. HPRERA2023034/C

In the matter of:-

High Valley Apartment through Suresh Kumar son of Hari Singh,
Village Bated, P.O. Barotiwala Tehsil Baddi, District Solan,
Himachal Pradesh, 174103

.....Complainant

Versus

The Joint Secretary (Revenue) to the Government of H.P.-02
Shimla-171002

.....Respondent

Present:- Ms. Pooja, Ld. Counsel for High Valley Apartment,
Village Bated P.O. Barotiwala, District Solan through
WebEx.

None for Joint Secretary (Revenue) to the Govt., of H.P
respondent

Order

Coram: Chairperson and Member

1. In the present matter, this complaint has been filed by High Valley Apartments a registered project with H.P RERA through Sh. Suresh Kumar against the Joint Secretary (Revenue) to the Government of H.P. claiming the following relief:

“Please give the fresh permission under Section 118 of the H.P Tenancy and Land Reforms Act, 1972 to customers.”

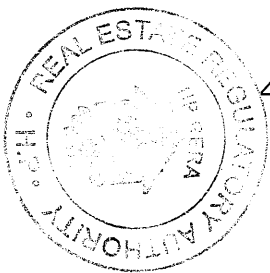


2. It was alleged in the complaint that the promoter got permission to purchase land 19 bighas for setting up a residential colony under Section 118 of the H.P. Tenancy and Land Reforms Act, 1972 on 05.10.2006 from the Department of Revenue to the Govt. of H.P. It was further pleaded in the complaint that they have constructed 80 dwelling units. Additionally, it was claimed that they sold 19 number of apartments they had constructed to non agriculturists with permission from the Government in accordance with Section 118 of the H.P. Tenancy and Land Reforms Act of 1972. Thereafter, the promoter proposes to sell eight other flats and the detail of the allottees has been mentioned in the complaint. His grievance is that the permission to sell the eight flats to the non agriculturists is not being granted on the ground that an inquiry for violation under Section 118 of the Act Ibid by the Commission of the Justice D.P Sood (retired)is pending.
3. In the present matter notice was issued to Joint Secretary (Revenue) to Government of H.P. A reply has been filed by the respondent admitting the fact that High Valley Builders have purchased land measuring 19 bighas in Mauja Bated Tehsil Baddi District Solan with the permission from H.P Govt. under Section 118 of the H.P Tenancy and Land Reforms Act,1972 vide letter dated 05.10.2006 for constructing a Housing Colony. It was further submitted in the reply that Vigilance Department has recommended cases of 42 builders against whom Justice D. P. Sood (Retd.)



Commission has recommended stern action under H.P. Tenancy and Land Reforms Act, 1972 and H.P. Apartment and Property Regulation Act, 2005. It was submitted that the Deputy Commissioner Solan was requested vide letter dated 23.09.2022, 15.12.2022, 07.11.2023 to submit conclusive findings/report on the observations made in the report of Commission of Justice D.P.Sood(retired).It was further submitted in the reply that in compliance to the directions of the State Government, the Deputy Commissioner Solan vide its letter dated 17th February,2024 has submitted a detailed reply wherein it has been informed that the aforementioned builder/promoter has not violated any of the provision of Section 118 of the H.P. Tenancy and Land Reforms Act,1972. It was further submitted that Deputy Commissioner Solan has informed the promoter/complainant to apply online for cases of permission under Section 118 of the Act Ibid and as and when the same will be applied they will be processed for approval. Along with this a copy of letter from Deputy Commissioner Solan to the ACS cum FC Revenue to the Govt. of H.P. dated 17.02.2024 and the letter from SDM Nalagarh to District Collector Nalagarh dated 29.01.2024 have been appended. The copy of reply was shared with the complainant/promoter.

4. Today Miss Pooja Ld. Advocate for the complainant/promoter has appeared and submitted that in view of the reply filed by the respondent the case



can be disposed of as the grievance of the complainant is settled/redressed.

5. From the perusal of the record it reveals that the grievance of the complainant was primarily qua the permission under Section 118 of the Act *ibid* in view of the report of Commission of Justice D.P. Sood (Retd). This issue has been settled in view of the findings of the District Collector whereby it has been reported that the present complainant/promoter has not violated the provisions of the Section 118 of the H.P. Tenancy and Land Reforms Act, 1972 while constructing the Housing Colony in question. In view of the above, the relief claimed by the complainant has been granted by the respondent and the matter is hereby disposed of.



B.C. Badalia
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MEMBER

Dr. Shrikant Baldi
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CHAIRPERSON