



Real Estate Regulatory Authority

Government of Himachal Pradesh

Complaint Application

Application No.

CTA0920220003

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Complaint Details

Complaint Subject	Payment of Maintenance Charges from the date of Execution of Sale Deed / Electricity Charges
Facts of the complaint	<ol style="list-style-type: none">1. That the complainant is the promoter of the Housing Project 'Himachal One' Baddi registered with the Hon'ble Himachal Pradesh Real Estate Regulatory Authority vide Registration No RERAHPSOP06180035 dated 04/03/2020 for mixed development.2. That the Building Plans for mixed development comprising of flats / plots / commercial were approved by the Baddi Barotiwala Nalagarh Development Authority (BBNDA) on 16.04.2019.3. That the complainant is aggrieved by non-payment of maintenance charges, water charges, electricity bill by the respondent which has led to the present complaint for the kind perusal and adjudication of the Hon'ble Authority4. That the respondent had booked a residential 5 Plots bearing No's 66, 67, 68, 69 and 70 in the Housing Project 'Himachal One' vide Agreement for Sale dated 24.04.2019.5. That the Sale Deed of the said plots were executed in the Office of Sub-Registrar, Baddi in favour of the respondent vide Registration No 821/2019 dated 26.04.2019.6. That the respondent after the execution of the Sale Deed started construction of the building on the residential Plots bearing No 69 and 70 in the Housing Project 'Himachal One' during January 2022.7. That the respondent has constructed a 4 storey houses each on both the plots.8. That the respondent has not paid any maintenance charges, electricity charges, water charges despite having constructed 4 storey houses on Plot No's 69 and 70, Himachal One, Baddi, District Solan (HP) with water and electricity supplied by the complainant promoter and notice for the payment of the charges towards maintenance and electricity. It is pertinent to mention that the water charges are included in the maintenance charges.9. That the statement of total payments made by the Plot Allottees to the complainant / promoter is placed at Annexure 1. This includes a sum of Rs 162,475/- paid by the Plot allottee (s) directly to HPSEB on 27.08.2022 following disconnection of electricity supply by HPSEB over non-payment of dues. The complainant/promoter paid a sum of another Rs 2,75,000/- to HPSEB to ensure supply of electricity by HPSEB. There is still balance outstanding amount of Rs 10,57,318/- which shall be paid to HPSEB after the allottees have paid their share of maintenance charges / electricity bills. It is again pertinent to mention that against the 8 Orders passed by the Hon'ble HP RERA for payment of maintenance charges / electricity charges from the date of possession, only 1 allottee (Shri Surender Wadhwa) has paid the maintenance charges / electricity bill whereas the other 7 are yet to comply with the Orders of the Hon'ble Authority.10. That the details of electricity bills (Rs 46,59,624/-) raised by HPSEB from April 2019 till July 2022 are placed at Annexure 2. It has been the complainant who has always been burdened to make the payments to HPSEB besides incurring other expenditure for the maintenance of the project.11. That the total maintenance charges for the Plot No's 66, 67 and 68 work out to Rs 76,545/- calculated @ Paise 50 per sq feet of the Plot Area (1215 sq feet) from the date of execution of Sale Deed. The construction of Plot No 66, 67 and 68 has not started as yet.12. That the maintenance charges for Plot No's 69 and 70 are Rs 40,095/- from the date of execution of Sale Deed till start of construction in January 2022 @ Paise 50 psf.13. That the maintenance charges @ Paise 75 psf are calculated from the date of start of construction (January 2022) on the total built up area of the Plot which works out to 225 sq mts to 235 sq mts (2421 sq feet to 2529 sq feet) depending upon the building plan. The maintenance charges are Rs 32,683/- from the start of construction (January 2022 till September 2022) @ paise 75 psf.

14. That the total maintenance charges are **Rs 149,323/-** for all the 5 plots bearing numbers 66, 67, 68, 69 and 70 which are in the name of the respondent.
15. That the electricity charges are to be paid as per the actual consumption of the electricity @ Rs 5.00 per unit till the respondent takes electricity connection from HPSEB in their name.
16. That as per **Clause 26** of the '**Agreement for Sale**' - **Form L Rule 17 (1)** of the **Himachal Pradesh Real Estate (Regulation and Development) Rules, 2017**- The allottee has to make any payment, in common with other allottees in the Project, in the same proportion which the carpet area of the apartment / plot bears to the total carpet area of all the [Apartments / Plot] in the Project.
17. **Clause 4 (d) of the RERA Act 2016**states 'Promoter shall be responsible for providing and maintaining the essential services, on reasonable charges, till the taking over the maintenance of the project by the association of allottees.
18. **Section 19 (6) of the Real Estate Regulatory Act 2016**stipulates that '*Every allottee, who has entered into an agreement or sale to take apartment, plot or building as the case may be, under Section 13, shall be responsible to make necessary payments in the manner and within the time as specified in the said agreement for sale and shall pay at the proper time and place, the share of the registration charges, municipal taxes, water and electricity charges, maintenance charges, ground rent, any other charges, if any*'.
19. The **Section 19 (7)** further states that '*The allottee shall be liable to pay interest, at such rate as may be prescribed, for any delay in payment towards any amount or charges to be paid under sub-section 6*'.
20. That **Clause 15.3 - Form L' Rule 17 (1) of the** Himachal Pradesh Real Estate (Regulation and Development) Rules, 2017 states that 'The allottee shall **plan and distribute its electrical load in conformity** with the **electrical system planned by the promoter** and thereafter by the association of allottees and or maintenance agency appointed by the association of allottees. The allottee shall be responsible for any loss or damages arising out of breach of any of the aforesaid conditions.
21. That the complainant is the promoter of the Project 'Himachal One' registered with HP RERA with Registration No RERAHPSOP0618035 and the Hon'ble Authority has the jurisdiction to adjudicate the present complaint.

Reliefs Sought

Direct the respondent (1) To pay the total maintenance charges of Rs 149,323/- (2) To pay electricity charges as per actual consumption. (3) To plan and distribute its electrical load in conformity with the electrical system planned by the promoter (4) To obtain NOC from promoter before release of electricity connection from HPSEB.

Complainant Details

	Personal Info	Contact Details	Address	Notice Address
1.	JAGJIT SINGH AHLAWAT Father : Sh. US AHLAWAT Type : Project (RERAHPSOP06180035)	9501488466 adp.northindia@gmail.com	# 46, Sector 10, Panchkula, Haryana, 134109	# 46, Sector 10, Panchkula, Haryana, 134109

Respondent Details

	Personal Info	Contact Details	Address	
1.	ABDUL GUFFAR KASANE Type : Allottee	8580944027 ABCD@GMAIL.COM	DADHI KANIAN 147, TEHSIL NALAGARH, Solan, Himachal Pradesh, 174101	

Documents

Documents relied upon by the complainant and referred to in the complaint

1.	Agreement for Sale	 
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Other Documents as annexed along with the complaint

1.	Photographs	 
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Declaration

Jurisdiction of the Authority

I **AHLAWAT DEVELOPERS AND PROMOTERS** declare that the subject matter of the claim falls within the jurisdiction of the authority.

Complaint not pending with any other Court

Whether this Complaint is pending with any other court, etc.? : **No**

I **AHLAWAT DEVELOPERS AND PROMOTERS** declare that the matter regarding which this complaint has been made is not pending before any court of law or any other authority or any other tribunal(s).

Declaration and Verification

I **AHLAWAT DEVELOPERS AND PROMOTERS**, do hereby verify that the given details are true to my personal knowledge and belief and the i have not suppressed any material fact(s).

Place : **Panchkula**

Date : **16/09/2022**

Registration Fee

Fee Amount

₹ 500

Payment Status :  **Payment Received**

Payment Mode : **Online**

Transaction No. : **HPR190920220002**

Transaction Date : **19/09/2022 04:40 AM**

Bank Details : **sbiipay~202226221348111**