Suo-Motu Petition No. Ex.Pt/6-2025

Date of hearing 18.07.26

In the matter ; Regarding unauthorized real estate development and advertisement at Revenue Mohal Kulihad, Shahpur, District Kangra, in violation of Sections 3, 9,10 of RERD Act, 2016 by Shree Ram Property Consultancy and the Promoter/ land owner Smt. Gudu Devi, W/o Sh. Om Prakash.

Present: Representative Sh. Yoginder Sharma, appearing on behalf of the respondent/promoter.

PHYSICAL HEARING

The present matter was initially taken up by this Authority on account of unauthorized sale of plots by the respondent/promoter without obtaining the requisite approvals from the competent authority and without registration of the project under the provisions of the Real Estate (Regulation and Development) Act, 2016.

Vide order dated 20.03.2026, this Authority, after examining the revenue records, Jamabandi, Tatima and mutation entries, held that the respondent/promoter had sold three plots carved out of Khasra No. 219/37 without obtaining prior approval from the competent authority and without registration of the project with HP RERA, thereby violating the provisions of Section 3 read with Section 59(1) of the Real Estate (Regulation and Development) Act, 2016, as well as the relevant provisions of the Himachal Pradesh Town and Country Planning Act, 1977.

Accordingly, a penalty of Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand only) was imposed upon the respondent/promoter. The respondent was further directed to:

(i) deposit the penalty amount within the stipulated period;

(ii) file an application before the competent authority/Town and Country Planning Department for obtaining the requisite approval;

(iii) thereafter obtain registration of the project under the provisions of the Real Estate (Regulation and Development) Act, 2016, wherever applicable; and

(iv) submit compliance before this Authority.

The matter was thereafter listed for compliance. Although the case was fixed on 20.06.2026, the hearing could not be taken up due to shifting of the office from Shimla to Dharamshala and was accordingly adjourned.

Today, Sh. Yoginder Kumar, authorised representative of the respondent/promoter, appeared before the Authority and submitted that the penalty amount has been deposited on 18.06.2026. He further submitted that an application has already been filed before the Town and Country Planning Department (TCP) for obtaining the requisite approval from the competent authority and placed the relevant documents on record.

The Authority has considered the submissions made by the authorised representative and perused the material available on record. It is evident that the respondent/promoter has complied with the substantive directions contained in the order dated 20.03.2026 by depositing the penalty imposed by the Authority and by initiating the process for obtaining the requisite approval from the competent authority.

Since the respondent has substantially complied with the directions issued by this Authority and only the grant of approval by the competent authority and consequential registration of the project under the Real Estate (Regulation and Development) Act, 2016, wherever applicable, remain to be completed, no further proceedings are required to be continued in the present matter at this stage.

Accordingly, the present proceedings are disposed of with the direction that the respondent/promoter shall, immediately upon obtaining the requisite approval

from the competent authority, ensure registration of the project under the provisions of the Real Estate (Regulation and Development) Act, 2016, wherever applicable, and comply with all applicable statutory requirements.

It is, however, made clear that in the event the respondent/promoter fails to obtain the requisite approval from the competent authority and/or fails to register the project under the provisions of the Real Estate (Regulation and Development) Act, 2016, wherever applicable, or otherwise violates any provision of the Act or the Rules framed thereunder, this Authority shall be at liberty to initiate appropriate proceedings in accordance with law, without any further reference in the present matter.

The proceedings are accordingly disposed of.

RD Dhiman
Chairperson

Vidur Mehta
Member