Suo-Moto Exe.(R)/ BM-5 /2024

Date of hearing : 18.06.26

In the matter of Birmala Regd. No. RERAHPKAP11200093 Regarding no progress & Under Section- 7(2) of the RERD Act, 2016

Present :- Mr. Sushil Thakur, Representative on behalf of the Promoter, Mr. Varun, Promoter, Mr. Lakhwinder Singh, Structural Engineer. Mr. Suresh Sharma, Architect (joined through Webex).

WEBEX HEARING

1. The present matter was taken up for hearing through Webex. The Authority notes that vide its earlier order dated 16.05.2026, the promoter was directed to expedite and complete the pending development and construction works at the project site and to submit a comprehensive compliance/progress report duly supported by documentary evidence. The promoter was also directed to produce the Structural Engineer before the Authority to explain the technical status of the project and the progress of construction activities.

2. In compliance with the aforesaid directions, Mr. Varun (Promoter), Mr. Sushil Thakur (Representative), Mr. Lakhwinder Singh (Structural Engineer), and Mr. Suresh Sharma (Architect) appeared before the Authority. The promoter submitted a detailed compliance/progress report along with dated photographs depicting the present status of construction and development works carried out at the project site.

The report submitted by the promoter indicates the following progress:

(i) The structural construction work has substantially progressed in accordance with the approved plans and under technical supervision.

(ii) Development works relating to internal infrastructure and other allied works are under progress.

(iii) Necessary steps have been taken towards completion of basic services and utilities required for the project.

(iv) The Structural Engineer and Architect explained the present stage of construction and confirmed that the work is being executed as per technical requirements and approved plans.

(v) Dated photographs showing the present status of construction and development works at the project site have also been placed on record.

The promoter further submitted a copy of the communication/application dated 15.06.2026 submitted before the Irrigation and Public Health Department, Kangra at Dharamshala, regarding the requirement and arrangement of water supply for the project.

3. The Authority heard the submissions made by the promoter, Structural Engineer and Architect. The promoter submitted that the pace of construction and development works has been substantially increased and undertook that all remaining works, including basic infrastructure and essential amenities, shall be completed within the required timeline and in accordance with the provisions of the Real Estate (Regulation and Development) Act, 2016 and the Rules framed thereunder.
4. The promoter further requested that, in view of the compliance made with the directions issued by this Authority and the progress achieved at the project site, the present suo motu proceedings may be closed.
5. The Authority has carefully considered the compliance report, submissions made during the hearing and the material placed on record. At this stage, the Authority is satisfied that the promoter has substantially complied with the directions issued vide order dated 16.05.2026 and has demonstrated satisfactory progress in execution of the project.
6. However, before closing the proceedings, the Authority considers it appropriate to reiterate that the promoter shall ensure completion of all basic infrastructure and essential amenities, including electricity infrastructure, water supply arrangements, sewerage system, internal roads, retaining/boundary walls and other necessary facilities required for proper use and part completion of the project, before executing any sale deed or handing over possession of any unit to an allottee.
7. The promoter shall further ensure that no allottee or purchaser is put to any inconvenience on account of non-availability of basic amenities or incomplete

infrastructure. The promoter shall complete the essential amenities before creating any further obligations towards allottees.

It is made clear that in case it is subsequently found that the promoter has failed to complete the basic infrastructure, violated any provision of the Real Estate (Regulation and Development) Act, 2016, the Rules or Regulations framed thereunder, or acted contrary to any undertaking furnished before this Authority, the Authority shall be at liberty to revive/reopen the present proceedings and initiate appropriate action in accordance with law.

Accordingly, considering the compliance made by the promoter, the progress demonstrated at the project site and the undertaking given before the Authority, the present suo motu proceedings are disposed of, subject to the above observations and conditions.

RD Dhiman
Chairperson

Vidur Mehta
Member