

Himachal Pradesh Real Estate Regulatory Authority, Shimla-2

M.A. No. 5/2021

&

M.A. No. 6/2021

In complaint numbers mentioned below :-

S.No.	Compl ainant	Respondent	Complaint No.
1	Ms Aditi Rao	M/s Rajdeep& Co and others	RERA HP SHCTA 06200024
2	Smt. Nisha Singh	M/s Rajdeep& Co and others	RERA HP SHCTA 06200025
3	Sh. Paras Verma and another	M/s Rajdeep& Co and others	RERA HP SHCTA 05180003
4	Sh. Jeetender Bhardwaj	M/s Rajdeep& Co and others	HP/RERA-OFL-2020-03 (A)
5	Sh. Narender Bhardwaj	M/s Rajdeep& Co and others	HP/RERA-OFL-2020-03 (B)
6	GodwariBharwaj and another	M/s Rajdeep& Co and others	RERA HP SHCTA 04190016
7	Suresh Kumar Sharma	M/s Rajdeep& Co and others	HPRERA/OFL/2019-02
8	Smt. Vidya Negi	M/s Rajdeep& Co and others	HP RERA/OFL/2020/14
9	Vivek Gupta	M/s Rajdeep& Co and others	RERA/HPMACTA/06200026
10	Ravi Kant	M/s Rajdeep& Co and others	RERA/HP SOCTA/04180002

Application under section 37 and 38 of the Real Estate (Regulation and Development) Act, 2016 read with other relevant provisions of the Act and CPC for issuance of necessary directions for the removal of entries entered vide report no. 412 dated 04.02.2021 mentioned in the letter dated 3.5.2021 issued by the Tehsildar, Kasauli, District Solan and entries reported vide report 192 dated 4.2.2021 mentioned in Jamabandi of 2014-15 from the revenue record made pertaining to property bearing Kahat Khatuni no. 51 min/63min,17Min/20Min, 51Min/63Min in Khasra No. 213/118,214/118/1,212/118, 215/118/1, 205/118 situated in MohalChatayyan, Tehsil Kasauli, District Solan

**Present: Sh. Rishi Kaushal Ld. Counsel along with Sh.
Rajdeep Sharma through Webex**

Date of filing: 28.12.2021

Date of hearing and pronouncement: 11.01.2022

ORDER

Two applications were filed by Sh. Rajdeep Sharma (for Rajdeep & Company Infrastructure Private Ltd.) & Smt. Shakuntla Sharma under Section 37 & 38 of the Real Estate (Regulation & Development) Act, 2016 praying for necessary directions for removal of entries entered vide report no. 192 dated 4.02.2021 (inadvertently and wrongly mentioned as rapat no. 412 dated 4.02.2021 in the letter dated 3.5.2021 of Tehsildar, Kasauli) whereby properties of the applicants situated in Mohal Chattyaan, Kasauli, District Solan were attached in pursuance to directions of this Authority vide letter no. RERA/complaints-2020-21/1413 dated 21st December, 2021 to Ld. Deputy Commissioner, Solan.

The directions to attach the property barring applicants from selling/ leasing/ allotting/ booking any remaining flats/ land in their projects situated in the State of Himachal Pradesh was passed in complaints filed by Godawari Bhardwaj and Ashok Bhardwaj (RERA/HPSOCTA 04190016), Suresh Kumar (HPRERA/OFL/2019-02), Nisha Singh (RERA/HPSHCTA 06200025), Aditi Rao (RERA/HPSHCTA 06200024), Ravi Kant (RERA/HPSOCTA 04180002), Paras Verma (RERA/HPSOCTA 05180003), Vivek Gupta (RERA/HPMACTA 06200026), Narinder Bhardwaj (HPRERA/OFL-2020-03(B)) Jeetender Bhardwaj (HPRERA/OFL-2020-03(A)) and Vidya Negi (HPRERA/OFL/2020/14) in lieu of which letter no. RERA/complaints-2020-21/1413 dated 21st December, 2021 was written to Ld. Deputy Commissioner, Solan.

It is the contention of the applicants that majority of the cases have amicably been settled which can be verified from the record of the Authority and therefore the entry of attachment of land and flats in the project may kindly be removed.

The Authority after going through the records of the aforementioned cases pending before the Authority is certain that except for the case of Vivek Gupta (RERA/HPMA/CTA06200026) majority of the other cases against applicants are in the process of settlement or have been settled but the penalties imposed by the Authority have not been fully deposited in all these cases. However, the cases of

Nisha Singh and Aditi Rao have also not been settled but the appeals in these cases are pending before the Hon'ble Haryana Real Estate Appellate Tribunal, Panchkula.

The amounts in lieu of penalty deposited by the applicants in the cases are mentioned herein below:

S.No.	Compl ainant	Respondent	Amount of penalty deposited
1	Ms Aditi Rao	M/s Rajdeep& Co and others	Rs 90,000/-
2	Smt. Nisha Singh	M/s Rajdeep& Co and others	Rs 1,50,000/-
3	Sh. Paras Verma and another	M/s Rajdeep& Co and others	Rs 5,00,000/-
4	Sh. Jeetender Bhardwaj	M/s Rajdeep& Co and others	No penalty amount deposited
5	Sh. Narender Bhardwaj	M/s Rajdeep& Co and others	No penalty amount deposited
6	GodwariBharwaj and another	M/s Rajdeep& Co and others	Rs 1,50,000/-
7	Suresh Kumar Sharma	M/s Rajdeep& Co and others	Rs 1,50,000/-
8	Smt. Vidya Negi	M/s Rajdeep& Co and others	Rs 5,00,000/-
9	Vivek Gupta	M/s Rajdeep& Co and others	No penalty amount deposited
10	Ravi Kant	M/s Rajdeep& Co and others	Rs 3,00,000/-

The matters of Nisha Singh, Aditi Rao, Godawari Bhardwaj, Suresh Kumar, Vidya Negi, Paras Verma, Jeetender Bhardwaj and Narender Bhardwaj are in appeal before the Hon'ble Appellate Tribunal on the issue of penalty.

The Authority expects the applicants to honour their commitments in the amicable settlements with complainants going on in the aforementioned cases and also expects the applicants to deposit the penalties imposed against them within time granted in terms of the orders passed by the Authority or as directed by the Appellate Tribunals, in cases where appeals are filed.

The applicants further submit that apart from appeals preferred in other cases an appeal was also filed in the matter of Vivek Gupta which was withdrawn. It was further requested on behalf of the applicants that the matter in Vivek Gupta will also be settled and also prays for time of 7 days to deposit the penalty amount.

From the perusal of order in case of Vivek Gupta vs Rajdeep & Company Infra Pvt. Ltd. and others it was found that the Authority had ordered refund of Rs 9,75,000/- alongwith interest @ 9.3% to the complainant Vivek Gupta and further ordered penalty of six lakhs. The applicants are directed to settle the matter with Vivek Gupta within 30 days of the passing of this order and also deposit the penalty amount in terms of order dated 17.12.2020 within 7 days from the passing of this order. The penalty so imposed is to be paid through RTGS/ NEFT in the bank account operative in the name of "Himachal Pradesh Real Estate Regulatory Authority Fund" bearing account no. 39624498226 in State Bank of India, HP Secretariat Branch, RERA Shimla.

In the interest of justice, the Authority is satisfied with the efforts being made by the applicants to settle the matters and deems it proper to order removal of entries of attachment of land/ flats entered in the revenue record vide report no. 192 dated 4.2.2021 (inadvertently and wrongly mentioned as rapat no. 412 dated 4.2.2021 in the Letter of Tehsildar, Kasauli vide his letter dated 3.5.2021) situated in MohalChattyaan, Kasauli, District Solan. The office of this Authority is directed to issue a communication in this regard to Ld. District Collector, Solan to ensure its compliance.

This order will not affect the properties of the applicants attached in pursuance to aforesaid orders in District- Shimla or in other Districts of Himachal Pradesh.

This order is subject to rider that in case the applicant makes any default in honouring its commitments/ settlements made with the complainants mentioned above, the Authority will be constrained to take coercive steps and again attach the properties of applicants in Kasauli District Solan or in other Districts of Himachal Pradesh.

The application is disposed off in aforesaid terms.


B.C. Badalia
MEMBER


Dr. Shrikant Baldi
CHAIRPERSON