

**H.P.Real Estate Regulatory Authority  
Mazitha House, Annex Building, Shimla-2**

In the matter of :

H.P. Real Estate Regulatory Authority, Annex Building, Majitha House, Near  
HP Govt Sectt. Chotta Shimla

Versus

1. Sh. Sudershan Singla S/O Sh. Subhash Singla, Gaurav Bhavan , By  
Pass Road, Solan H.P. 173212
2. Smt. Sanjana Rana w/o Sh. Balwant Singh, R/o Adarsh Nagar,  
Dhobhighat, Solan Tehsil and District solan HP.
3. Smt. Latika Thakur W/O Sh. Hans Raj, R/o Thakur Niwas , Bye Pass  
Road , Solan Tehsil and District Solan HP.
4. Smt. Nisha Sharma W/o Sh. Vikas Sharma, H.No. 24 , Shanti Niwas,  
Ward No.13, Ser Kaleen, Solan Tehsil and District Solan

**Case no. HP/RERA/NorwichHill/2022  
Order dated 28<sup>th</sup> March, 2023**

**ORDER**

1. The facts of the case are that an advertisement for the project "Norwich Hills" at Bhoj Nagar Chakki Mod Road, Parwanoo, District-Solan H.P. with an area of 17.93 acres was posted on social media, inviting the public and potential buyers to buy plots of 300 to 500 sq yards, villas, and studio apartments.
2. Taking cognizance of the matter and to investigate the issue this Authority exercising powers under Section 35 of the RERD Act, 2016 issued show cause notice dated 27<sup>th</sup> June, 2022 to M/s Shimla Developers and [info@thenorwichhills.com](mailto:info@thenorwichhills.com) for advertising and marketing the project "Norwich Hills" in violation of Section 3 of the RERD Act,

2016. On 28<sup>th</sup> June, 2022 a copy of the above mentioned show cause was also issued to nirmanghar@gmail.com.

3. In response to the show cause notice issued on the aforementioned addresses, Sh. Sudarshan Singla sent a reply through email on July 16, 2022. According to the reply M/s Shimla Developers and Sanjana Rana are developing the project near Chakki Mor District Solan. Additionally, it was claimed by Sh. Sudershan Singla that they are promoting the project using their trademark. Further it was submitted that neither Sh. Sudarshan Singla nor Chester Hills have anything to do with this project and that they are two different identities. In the reply, it was also submitted that M/s Shimla Developers had been served a separate legal notice for infringing the trademark of Chester Hill. A copy of the notice was attached with the reply that was sent by email. While perusing the legal notices it has been found that the address on which the legal notice was issued to M/s Shimla Developers is the same address used by Sh. Sudershan Singla when he submitted his application for registration of the project Chester Hills-II HPRERASOL2023047/P. Further according to the joint development agreement uploaded for the Chester Hills-II project on the website of this Authority the same is being developed by Sh. Hans Raj Thakur and Chester Hills, a partnership firm.
4. Thereafter a letter dated 15.7.2022 in this regard was also received in this office from Town and Country Planner, Solan addressed to Tehsildar Kasauli. In the letter it was mentioned that the large numbers of hording boards have been installed at site mentioning plots for sale. It was further mentioned in the letter that approx 400-500 mts vehicular road has also been developed at site. It was further mentioned in letter that the matter was discussed on the spot with the site in charge Mr. Rahul Kashyap and he intimated that said land falls in the Mauja Rajpur, Hradbast no. 114, Tehsil Kasauli District Solan H.P. He also intimated that the said land has been transferred from the "Chitkara Educational Trust" bearing Khasra no. 188,189, 190,191& 192 Mauja Rajpur,

Hadbast no. 114 and same is now being developed as plots under housing project. It was further mentioned in the letter that the promoter "Norwich Hills/ Chester Hills" has not obtained any approval for development of the housing project on said land from the Authorities.

5. On August 26, 2022 a clarification was sought from Sh. Sudershan Singla as to whether is the developer of both projects, which are referred to as Norwich Hills and Chestor Hills-II respectively. Sh. Sudershan Singla sent a response in which it was said that Sh. H. S. Thakur and Chester Hills are two independent entities, and that Sh. Sudershan Singla is not affiliated or connected with either of them.
6. In order to further investigate the matter a report from Town and Country Planner, Solan was called for. In compliance to letter of this Authority a report was received from Town and Country Planner, Solan. Vide this report it was intimated that on the spot no land is registered in the name of "Norwhich Hills" and the land bearing Kh No. 208 Mauja Rajpur Habast No. 114 is under the ownership of Chitkara Eduaction Trust. It was further mentioned that the hoardings of Norwich were installed on the aforesaid land. It was further mentioned in the report that the adjoining land khasra no(s) 188, 189, 190, 191, 200/2, 200/3 are in the ownership of Smt. Sanjana Rana, Smt. Nisha daughter of Sh.Bhup Singh and Smt. Latika Thakur wife of Hans Raj The corresponding revenue record including the Jamabandi(s) of the area were also appended. It was further submitted in the report that Smt. Sanjana who was present on the spot when spot inspection was done admitted that they have purchased the aforesaid land and named it as "Norwich Hills"
7. The Assistant Town Planner of this Authority was then instructed to conduct a spot inspection at the location mentioned as above. Hence he visited the location on October 1, 2022. In the report it was mentioned that on site it was found that the project area is around 80-90 bighas in size and that a road measuring 400-500 metres in length has been

constructed. In addition, the site inspection report revealed that one house was being built alongside other site development activities. Further photographs captured during the site visit were also attached to the report. From the photographs it transpires that on the site joint hoardings of Norwich Hills and Chester Hills were installed.

8. Thereafter this Authority also called for the report from Tehsildar Kasauli. As per the report dated 20.10.2022 the Tehsildar Kasauli reported that Smt. Sanjana, Smt. Nisha daughter of Bhup Singh and Latika Thakur wife of Hans Raj are the owners of the land bearing khasra no. 197/1 , 198,199,200/1,200/2,200/3 kita six measuring 1-10-67 hectare as per khata khatauni No.1/5 min of Mohal Rajpura Patwar Circle Basal Tehsil Kasauli and 0-27-63 hectare in Khata khatauni 6/33. It was therefore reported that total land in the possession and ownership of above persons are 01-38-24 hectares. It was further mentioned in the report that "Chitkara Educational Trust" is the owner of land measuring 05-40-33 hectare in share in Khata khtauni No. 6/33.
9. In the meanwhile one of the Member of this Authority had telephonically called on the phone numbers given in the advertisement and had a long chat with one Suraj sales manager/ sales agent who sits in the head office of Chester Hills in Manimajra, Chandigarh who admitted that the promoter of the project in question is Sh. Sudershan Singla. It was further admitted by him during the conversation that Norwich Hills i.e. the project in question, Chester Hills and Clifton Valley are all projects developed by Sh. Sudershan Singla.
10. Thereafter on 10.11.2022 a show cause notice for hearing was issued to Sh. Sudershan Singla stating therein that Authority on the basis of the aforesaid reports and evidence has reason to believe he is the promoter / developer of the project Norwich Hills as well as Chester Hills project at Solan and Clifton Valley project at Shimla.
11. In pursuance of the above on 06.12.2022 Sh. Atul Thakur Ld. Counsel appeared on behalf of Sh. Sudershan Singla for Chester Hills

being an authorized representative and orally refuted the fact that the real estate project Norwich Hills was advertised by Chester Hills. During the course of hearing this Authority disclosed the reports, documentary and electronic evidence and an audio clips to the Ld. Counsel Sh. Atul Sharma. The Ld. Counsel after going through the evidence during the course of hearing submitted that he cannot further comment on the issue and is not aware of the detailed facts in the matter. The Authority decided to issue show cause notice to Sh. Sudershan Singla as to why penalty of Rs Ten Lakhs be not imposed on him for violation of Section 3 of the RERD Act, 2016 and the matter was adjourned for 6.1.2023.

12. In pursuance thereof show cause notice for imposition of penalty was again issued to him on 12.12.2022.
13. In the meanwhile on 17<sup>th</sup> December, 2022 Sh. Sudershan Singla demanded through an email a copy of the evidence(s) being relied upon by the Authority against him. After which the Authority supplied to him the copies of the evidences vide email dated 29.12.2022 in order to give him a fair opportunity to present his case. The evidence in the shape of two photographs, three video clips and one audio clip were shared with Sh. Sudershan Singla.
14. On 6.1.2023 during the course of hearing conducted by the Authority through webex, Sh. Sudershan Singla appeared and prayed for further time to file reply to the show cause notice. On his request the matter was adjourned and re fixed on 21<sup>st</sup> January, 2023 at 3:30 PM.
15. In the meanwhile on 16<sup>th</sup> January, 2023 an application under Order 1 rule 10 CPC was filed by Sh. Sudershan Singla where in it was stated that the evidences supplied by the Authority to him are not conclusive to prove the relationship between Sh. Sudarshan Singla and Norwich Hill Project. It was further submitted that the alleged project is on a piece of land in the name of Nisha Sharma, Sanjana Rana and Latika Thakur as per the zamabandi appended with this application. The details of names and addresses of the aforesaid were also appended

along with this application. It was further averred in this application that a formal notice has been issued by Sh. Sudarshan Singla to all the three owners of the land as mentioned above to ascertain the reason why aforesaid three land owners are implicating Sh. Sudarshan Singla in this matter as Chestor Hills had no role to play in the development of this project. It was further pleaded that evidences supplied by the Authority are not in accordance with Section 65 B of the Indian Evidence Act.

16. On 21.1.2023 the case was heard through webex and on the oral request of Sh. Sudershan Singla as well as on the basis of averments made by him in the application and considering all the relevant facts the aforesaid landowners Nisha Sharma, Sanjana Rana and Latika Thakur were summoned for enquiry by this Authority and next date for hearing in the case was fixed for 24.2.2023.
17. On 21.2.2023 a joint reply was received on behalf of the three land owners Nisha Sharma, Latika Thakur and Sanjana Rana. In the reply it was submitted that till date no project named as Norwich Hills has come into existence and not even a single plot has been sold. It was further admitted in the reply that the act of advertising was just an endeavor by them to explore the scope of business and survey the possibility of prospective buyers. It was further submitted in the reply that it was because of this reason that the case for registration of the project was not submitted under RERD Act, 2016 before this Authority. It was further submitted in the reply that if the project does not appear to be viable for lack of demand the idea of developing the same would be abandoned. It was further submitted in the joint reply that the landowners had no intention to hide the project from the Authority.
18. On 24.2.2023 the date fixed for hearing, none was present on behalf of respondents but an email was received on behalf of Sh. Sudershan Singla requesting for an adjournment. On the basis of the request made the case was further adjourned for 21<sup>st</sup> March, 2023.

19. On 21.3.2023 Sh. Atul Thakur Ld. Counsel appeared for Sh. Sundershan Singla and Sh. Aditya Singh Ld. Counsel appeared for Smt. Sanjana Rana, Smt. Latika Thakur and Smt. Nisha Sharma. During the course of hearing Sh. Aditya Singh admitted contents in the reply and submitted that the advertisement of the project was merely a demand survey and they have no intention to raise the project on the site. It was further submitted on his behalf that in future they will not commit such a mistake and their case may be dealt with leniently. Further Sh. Atul Thakur has submitted that the land was advertised by Norwich Hills and Sh. Sudershan Singla has no role to play in the present case.
20. Further an objection was raised on behalf of Sh. Sudershan Singla that the evidence in the possession of this Authority is not in accordance with Section 65 B of the Indian Evidence Act, 1872.
21. The proceedings before this Authority are summary in nature. This Authority is to decide its own procedure keeping in view the principles of natural justice while dealing with various provisions of the RERD Act, 2016. Section 38 of the Act reads as under

**Section 38. Powers of the Authority-**

- 1) The Authority shall have powers to impose penalty or interest, in regard to any contravention of obligations cast upon the promoters, the allottees and the real estate agents, under this Act or the rules and the regulations made thereunder.
- 2) The Authority **shall be guided by the principles of natural justice** and, subject to the other provisions of this Act and the rules made thereunder, **the Authority shall have powers to regulate its own procedure.**
- 3) Where an issue is raised relating to agreement, action, omission, practice or procedure that—
  - (a) has an appreciable prevention, restriction or distortion of competition in connection with the development of a real estate project; or
  - (b) has effect of market power of monopoly situation being abused for affecting interest of allottees adversely,

then the Authority, may suo motu, make reference in respect of such issue to the Competition Commission of India.

22. The Hon'ble Supreme Court in **Union of India Vs. T.R. Varma MANU/SC/0121/1957; AIR1957SC882** has held that

“14. Now, it is no doubt true that the evidence of the respondent and his witnesses **was not taken in the mode prescribed in the Evidence Act; but that Act has no application to enquiries conducted by tribunals, even though they may be judicial in character. The law requires that such tribunals should observe rules of natural justice in the conduct of the enquiry**, and if they do so, their decision is not liable to be impeached on the ground that the procedure followed was not in accordance with that, which obtains in a Court of Law.”

23. These principles were further fortified by the Hon'ble Supreme Court in **Bareilly Electricity Supply Co. Ltd. Vs. The Workmen and Ors. MANU/SC/0501/1971; AIR1972SC330** and it was held that the law requires that tribunals even though they may be judicial in character, the **Evidence Act has no application to the enquires conducted by them. The law requires that principles of natural justice shall be observed in the conduct of the enquiry** and if they do so their decision is not liable to be impeached on the ground that procedure followed was not in accordance with law.

24. Further in **Naresh Govind Vaze vs Govt. of Maharashtra (2008)1SCC 514** it was held by the Hon'ble Apex Court that Evidence Act is not applicable to departmental enquiries. This fact was further upheld in **Roop Singh Negi vs Govt of Maharashtra (2009)2 SCC 570**.

25. In **Municipal Corpn.of Delhi vs JaganNath Ashok Kumar (1987) 4 SCC 2316** it was held that Evidence is not applicable to arbitration proceedings.

26. The law laid down in the judgments in the aforesaid cases makes it clear that Evidence Act does not apply to the enquiries conducted by tribunals, forums or other quasi judicial Authorities. However they have



to follow principle of natural justice. Evidence Act is not applicable to departmental enquiries, arbitration proceedings, Consumer Courts as well as Authorities constituted under the RERA act, 2016. The law requires that such tribunals or authorities should observe rules of natural justice in the conduct of the enquiries, and if they do so, their decision is not liable to be impeached on the ground that Evidence Act was not followed or the procedure followed was not in accordance with the one prescribed in Civil Court. Therefore no illegality or prejudice has been caused to the respondents and principle of natural justice have been followed by the Authority as fair opportunity has been granted to them to defend their case and the material evidences available against the respondents were disclosed to them. They were afforded opportunity to explain the evidences available against them but no plausible or satisfactory explanation could be rendered by them. They have virtually failed to rebut the evidences against them available with this Authority.


27. The Authority has heard all the respondents and have gone through the facts of the case. There is documentary evidence in the shape of brochure(s), advertisement in social media, video clips of the proposed project available on social media, report of Tehsildar Kasauli, report of Town and Country Planner Solan, site inspection report of Assistant Town Planner of this Authority and the photographs taken by him while doing site inspection and audio recording of the Member of H.P. RERA with the sales manager/ sales agent/ official staff/ employee of Sh. Sudershan Singla. Perusal of the above evidences go to show that there is jointness of interest of both Chestor Hills and Norwich Hills. It further goes to show that proposed project Norwich Hills, Chester Hills project of Solan and Clifton Valey project in Shimla are all projects developed by Sh. Sudershan Singla. From the evidence of call recording which was recorded by one of the Member of this Authority while conducting enquiry it is crystal clear that the project in question is being developed by Sh. Sudershan Singla and Chestor Hills jointly. Further

from the report of Tehsildar dated 15.07.2022 and 20.10.2022, report of Divisional Town Planning Office dated 15.09.2022 and report of Assistant Town Planner of this Authority dated 01.10.2022 it transpires that a chunk of land involved in the project belongs to Sanjana Rana, Nisha Singh daughter of Sh. Bhup Singh and Sm. Latika Thakur wife of Sh. Hansraj. It has further come in the aforementioned report(s) that the hoardings and logo of Chester Hills and Norwich Hills are being used for advertisement on the project site. Photographs of the same are also on record. Further in another project registered with this Authority by M/s Chestor Hills Developers & Promoter with the name M/s Chestor Hills-II registered vide registration number HPRERASOL2023047/P, a part of the project land belongs to Hans Raj husband of Latika Thakur who is also one of the promoter(s) of the project. The project according to joint development agreement is being developed by Hans Raj in partnership with Chestor Hill. Latika Thakur wife of Hans Raj is one of the owner of the land involved in the development of the present project and the hoardings and advertisements pertaining to the present project also display the logo of Chesotr Hill alongside Norwich Hills which is sufficient to conclude that the parties are jointly engaged in the business dealings and are jointly developing the said project and are held as protmoers for the pupose of the project in question. It is settled law that facts admitted need not be proved. Further from the admission(s) made jointly by Sanjana Rana, Nisha Singh daughter of Sh. Bhup Singh and Smt. Latika Thakur wife of Sh. Hansraj that they are landowners and advertised the proposed project to explore the scope of business and survey the possibility of prospective buyers it is further clear that the project is being developed by Sh. Sudershan Singla and all of them have jointly violated the provisions of Section 3 of the RERD Act, 2016.

28. There is overwhelming oral, documentary and electronic evidence on record against the respondents that goes that Sh. Sudershan Singla, Smt. Sanjana Rana, Smt. Nisha Singh daughter of Sh. Bhup Singh and

Smt. Latika Thakur wife of Sh. Hansraj have jointly violated the provisions of Section 3 of the Act ibid.

29. Therefore all of the aforesaid four persons are here by jointly held to be promoters for the purpose of developing of the project "Norwich Hills" and by advertising, marketing offering for sale or inviting persons to purchase in any manner the plots apartment or buildings in the said project they have violated the provisions of Section 3 of the RERD Act, 2016 are held guilty accordingly. Section 59 of the Act ibid deals with imposition of penalty and considering all the facts a penalty of Rs Ten Lakh is hereby imposed on all the aforesaid promoter(s) to be paid jointly by them on or before 20<sup>th</sup> April, 2023 failing which they shall be liable to a further penalty under Section 63 of the Act along with other coercive measures.
30. The afore mentioned amount shall be deposited through bank draft, RTGS, NEFT, IMPS 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.
31. The respondents are further directed to ensure that they shall not advertise/market, book, sell or offer for sale or invite person to purchase in any manner any plot, apartment or building as the case may be in this project or in any other real estate project without first registering the project with the Authority under the Act ibid.

  
**Sh. B.C. Badalia**  
**MEMBER**

  
**Dr. Shrikant Baldi**  
**CHAIRPERSON**