

# हिमाचल प्रदेश सरकार

## REAL ESTATE REGULATORY AUTHORITY HIMACHAL PRADESH.

No. HP RERA/Suresh Sharma Apartments/2020-21/ Dated 05.01.2021

### ORDER

Whereas a Real Estate Project titled "Suresh Sharma Apartment" in the name of Sh. Suresh Sharma was registered for Group Housing consisting of a single five storied Residential / Commercial building (Ground Floor for Commercial Use and First, Second, Third & Fourth Floor for Residential Use) having eight Residential apartments, constructed over the land bearing Khasra No. 279/115 measuring 1 Bigha and 2 Biswas (22 Biswas) or say 924.00 M<sup>2</sup> at Village Kasauli, Post Office and Tehsil Kandaghat, District Solan, Himachal Pradesh with the Himachal Pradesh Real Estate Regulatory Authority vide No. RERA HP SOP 05190056; and

Whereas Sh. Suresh Sharma vide his letter No. Nil dated 21.10.2020 has intimated that due to separation and family settlement, the land has been divided into two parts and that the area of land on which the building has been constructed, is now less than 500 M<sup>2</sup> in the ownership of the Promoter and that the number of flats are eight and that only one flat out of eight flats was sold prior to the registration with the Himachal Pradesh Real Estate Regulatory Authority and that there is no dispute of any kind even with the person who was sold the flat. Therefore, the Real Estate Project may be exempted from continuing registration with the Real Estate

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Regulatory Authority as there being no requirement to take / retain the registration of Real Estate Regulatory Authority; and

Whereas Sh. Suresh Sharma has submitted a copy of Nakal Jamabandi for the year 2017-18, vide which the land bearing Khasra No. 279/115 measuring 1 Bigha and 2 Biswas (22 Biswas) or say 924.00 M<sup>2</sup> has been divided into two parts i.e. into Khasra No. 279/115/1 measuring 0.11 Biswas or say 462.00 M<sup>2</sup> in the name of Sh. Suresh Dutt s/o Sh. Nek Ram and into Khasra No. 279/115/2 measuring 0.11 Biswas or say 462.00 M<sup>2</sup> in the name of Sh. Anup Sharma s/o Sh. Suresh Dutt & Sh. Sanjay Sharma s/o Sh. Suresh Dutt; and

Whereas, now Sh. Suresh Sharma is owner of the land bearing Khasra No. 279/115/1 measuring 0.11 Biswas or say 462.00 M<sup>2</sup> which is less than 500 M<sup>2</sup> and the building constructed on the said land comprised of only eight apartments.

The request of the Promoter has been examined by the Himachal Pradesh Real Estate Regulatory Authority in its Meeting held on 05.01.2021 and observed that legally there is no provision in the Real Estate (Regulation and Development) Act 2016, the Himachal Pradesh Real Estate (Regulation and Development) Rules, 2017 and the Regulations made thereunder to withdraw or to de-register any Real Estate Project, except to revoke the registration under Section 7 of the Act ibid which is however, not applicable in the instant case. Also, if the Project is de-registered, it may harm the

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rights and interest of the allottees in future, as envisaged under the Act ibid. It is obligatory upon the Authority to safeguard the rights and interest of the prospective buyers / allottees of plots / apartments.

However, keeping in view the peculiar position of the case, protection of the rights of the Home buyers/allottees, the Authority has decided that request of the Promoter may be acceded to the extent that he may be exempted from filing the Periodical Progress Reports in respect of his Real Estate Project titled "Suresh Sharma Apartment" bearing Registration No. RERA HP SOP 5190056. Nevertheless, the Project will continue to remain registered with the HP RERA to fulfil, other obligations cast upon the Promoter.

A copy of the Order be sent to the Promoter Sh. Suresh Sharma and may also be uploaded on the Website of this Authority.

  
(B.C. Badalia)  
Member

  
(Dr. Shrikant Baldi)  
Chairperson

  
(Rajeev Verma)  
Member