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राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

सोमवार, 10 अगस्त, 2020 / 19 श्रावण, 1942

हिमाचल प्रदेश सरकार

**REAL ESTATE REGULATORY AUTHORITY
HIMACHAL PRADESH**

NOTIFICATION

Shimla-2, the 7th August, 2020

No. HP/RERA-(A)-3-2/ Regulations/2020/Vol-1/552.—In exercise of the powers conferred by section 85 of the Real Estate (Regulation and Development) Act, 2016 (Act No. 16 of 2016) and all

other powers enabling it on that behalf, the Himachal Pradesh Real Estate Regulatory Authority, hereby makes the following Regulation:—

1. Short title and commencement.—(1) This Regulation may be called the Himachal Pradesh Real Estate Regulatory Authority (Service of Notices for Adjudication of Complaints), **Regulation No.1 of 2020.**

(2) This Regulation shall come into force from the date of its publication in the Official Gazette of Himachal Pradesh.

(3) This Regulation shall apply in relation to all matters falling within the jurisdiction of the Authority in the State of Himachal Pradesh.

2. Definitions.—(1) In this Regulation, unless the context otherwise requires,—

- (a) “Act” means the Real Estate (Regulation and Development) Act, 2016 (Act No. 16 of 2016), as amended from time to time;
- (b) “Authority” means the Himachal Pradesh Real Estate Regulatory Authority established under sub-section(1)of Section 20 of the Act;
- (c) “Complaint” means any allegations in writing in **Form-M** or **Form-O** made by any aggrieved person accompanied by prescribed fee and required documents;
- (d) “**Form-, G, M, and O**” means the Forms appended to the Rules;
- (e) “Notification” means a notification published in the Official Gazette of Himachal Pradesh and the expression “notify” shall be construed accordingly;
- (f) “Promoter” shall have the same meaning as defined under sub-section (zk) of Section-2 of the Act;
- (g) “RMID” means Registered Mail ID provided by the complainant;
- (h) “RMN” means Registered Mobile Number provided by the complainant; and
- (i) “Rules” means the Himachal Pradesh Real Estate (Regulation and Development) Rules, 2017 made by the Government of Himachal Pradesh under the Act.

(2) All the words and expressions used in this Regulation but not defined herein shall have the same meanings as have been assigned to them respectively either in the Act or the Rules made there under.

3. Service of Notices for Adjudication of Complaints.—(1) The Mobile No. and the email Id provided by the complainant in **Form-‘M’** and **Form-‘O’** shall be called Registered Mobile Number (RMN) and Registered Mail ID (RMID) of the complainant. All correspondence with the complainant after receipt of the complaint by the Authority shall be made on his RMN or RMID. A notice/communication made by the Authority through any of these channels will be deemed to be a proper service of notice to the complainant. Notice/Communication through post

will not be necessary when a communication through the RMN, Whatsapp on RMN and RMID is delivered.

(2) The Mobile number and email Id provided by the Promoter in **Form-‘A’** at the time of registration of the Real Estate Project shall be called Registered Mobile Number (RMN) and Registered Mail ID (RMID) of the Promoter of the registered Real Estate Project. All correspondence with the Promoter, referred to as The Respondent, after receipt of the complaint by the Authority, shall be made on given RMN or RMID. A notice/communication made by the Authority through any of these channels will be deemed to be a proper service of notice to the Respondent. Notice / Communication through post will not be necessary when a communication through the RMN, Whatsapp on RMN and RMID is delivered.

(3) The Mobile number and email Id provided by the complainant in **Form-‘M’** and **Form-‘O’** at the time of filing of the complaint and / or information about Mobile Number and email Id received from other sources shall be called Registered Mobile Number (RMN) and Registered Mail ID (RMID) of the Promoter of the unregistered Real Estate Project. All correspondence with the Promoter of the unregistered Real Estate Project, referred to as The Respondent, after receipt of the complaint by the Authority shall be made on given RMN or RMID. A notice/communication made by the Authority on any one of these channels will be deemed to be a proper service of notice to the Respondent. Notice/Communication through post will not be necessary when a communication through the RMN or Whatsapp on RMN or RMID is delivered and received.

(4) The Mobile number and email Id provided by the Real Estate Agent at the time of applying for registration in **Form-‘G’** shall be called Registered Mobile Number (RMN) and Registered Mail ID (RMID) of the Real Estate Agent. All correspondence with the Real Estate Agent, referred to as The Respondent, after receipt of the complaint by the Authority, shall be made on given RMN or RMID. A notice/communication made by the Authority through any of these channels will be deemed to be a proper service of notice to the Real Estate Agent. Notice / Communication through post will not be necessary when a communication through the RMN, Whatsapp on RMN and RMID is delivered.

4. Regulation to have force of law under Indian Evidence Act, 1872.—The Regulation framed herein shall have binding effect as governed by Indian Evidence Act, 1872 amended by the Information Technology (Amendment) Act, 2009 for the purpose of documentary and electronic admissibility of evidence.

5. Amendment of Orders.—Clerical or arithmetical or typographical mistakes or errors in orders arising therein from any accidental slip or omission may at any time be corrected by the Authority either of its own motion or on the application of any of the parties.

6. Power to remove difficulties.—If any difficulty arises in giving effect to any of the provisions of this Regulation, the Authority may, by general or special order, do anything not being inconsistent with the provisions of the Act or Rules, which appears to be necessary or expedient for the purpose of removing the difficulties.

By order,
Sd/-
(Dr. Shrikant Baldi)
Chairperson,