



# Real Estate Regulatory Authority

Government of Himachal Pradesh

Complaint Application

Application No.

CTA0220220004

printed : 03-11-2024 12:53 PM

## Complaint Details

Complaint Subject	<b>Complaint against Sh. Rajdeep Sharma, Promoter and Care of Rajdeep Company Infra Pvt. Ltd. Zirakpur</b>
Facts of the complaint	<ol style="list-style-type: none"><li>1. That the Applicant is a former / retired Chief Commissioner of Income Tax having his permanent address at, E-84, Second Floor, Greater Kailash Part-1, New Delhi, 110048, and is competent to file present application.</li><li>2. That the Applicant had agreed to purchase, a property, being a residential Unit No.-302, 3rd Floor, ( 3-BHK ), Duplex, in Tower-B,, in Kasauli Paraiso, in Tehsil Kasauli, District Solan, H.P., from M/ s Rajdeep and Company Infrastructure Pvt Ltd, being the Developer, having its Registered office at SCO-12, 1st Floor, Hollywood Plaza,, VIP Road, Zirakpur-150603, working through its Mg. Director, Sh Rajdeep Sharma, as so authorised, which was sought to be purchased and this Hon'ble Authority has the jurisdiction and the competence to try and maintain the present Application.</li><li>3. That vide Agreement dated 11-12-2019, the Applicant had agreed to purchase a residential Unit aforesaid, from the respondent / non-applicant, for a total Consideration of ₹ 1,10,00,000 /-( one Crore and ten lakhs ) and a total sum of ₹ 84, 76, 672 /- had been paid at the time of signing of the aforesaid Agreement. A copy of the aforesaid Agreement is being placed on record, for the kind perusal and ready reference of this Hon'ble Authority, as ANNEXURE-A-1, to the present Application.</li><li>4. That a perusal of the aforesaid Agreement would go to reveal that the aforesaid property, complete in all respects had to be handed over, to the Applicant latest by the 30th April, 2020. As the national lockdown due to the outbreak of Covid-19 pandemic had been announced by the Hon'ble Prime Minister of India, the timeline was extended, for a period of six months. Though the said period has also expired, since long, the property has not been handed over to the Applicant for the reason, best known to him. The Applicant had purchased the said property to spend quality time of his remaining life, post superannuation from the Income Tax Department, from the post of Chief Commissioner of Income Tax, in the hills of Kasauli and to avoid the extreme summer and pollution of the National Capital Region of Delhi.</li><li>5. That the respondent / non-applicant, at the time of signing of the initial agreement, had acted in the capacity of the Managing Director of M /s Rajdeep Infrastructure Pvt. Ltd. as the Developer and thereafter the said Venture was transferred, in his own name, as Sh Rajdeep Sharma, s/ o Sh Sansar Chand, as the sole Promoter. A request was later made to the Applicant to sign another Agreement with himself as the sole Promoter, of this Project, dated 15 April, 2021. A copy of the aforesaid Agreement is being placed on record, for the kind perusal and ready reference of this Hon'ble Authority, as at ANNEXURE-A-2, to the present Application.</li><li>6. That the Applicant is a Law-abiding person and he wanted that the fact in accordance with the Initial Agreement, in furtherance of which, a sum of ₹ 84, 76, 672 /- had been made good, should have been incorporated in the aforesaid Agreement sought to be again entered into, he made a written communication to the now full-fledged Promoter, which was delivered to him Registered Post. A copy of the said communication alongwith postal-receipt of the same, is being placed on record, for the kind perusal and ready reference of this Hon'ble Authority as ANNEXURE-A-3, to the present application.</li><li>7. Not only that, the non-applicant / respondent Promoter, also demanded payment of the rest of the Consideration, from the Applicant. The Applicant made it known, to the Promoter,</li></ol>

that he was not willing to pay the remaining consideration forthwith, because according to him, work to that extent, on the ongoing project had not been completed. It is also pertinent to mention that one of the daughter of the Applicant, namely, Ms Richa Saxena Singh, who also happens to be a Qualified Architect, inspected the site and clicked a lot of photographs, in February-March 2021, alongwith him. Thereafter, his another ( youngest ) daughter Ms Medha Saxena, recently visited the spot and further clicked a lot of photographs. Copies of the photographs are being placed on record for the kind perusal and ready reference, of this Hon'ble Authority, as ANNEXURE-A-4, to the present Application. It is pertinent to mention that upon inspection by Ms. Richa Saxena Singh, the aforesaid daughter of the Applicant, following discrepancies were pointed out by her :

- i) That the flat under construction, was less by 83.38 Sq. Metres, than as per the Actual Agreement to sell.
- ii) That work had not been completed and so far only a shell had been constructed and a lot more time, was required to be spent, before handing over of the possession, as agreed to with the Applicant.
- iii) More so, the work being executed was of sub-standard quality.

8. That all the aforementioned anomalies pointed out by the aforesaid daughter of the Applicant were also made known to the respondent developer-company / now the Promoter as its substitute : vide communication referred to supra.

9 It is pertinent to mention that according to the information of the applicant the Project has now been registered with your Hon'ble Authority and documentary evidence of the same is being placed on record for the kind perusal and ready reference of this Hon'ble Authority. It is most respectfully submitted that the Applicant had sold his property at Delhi and a part or portion of the Capital-gains that had accrued thereon, under the provisions of the Income Tax Act, 1961 was reinvested in the purchase of another residential house, to enjoy deductions from the payment of tax under Section 54, of the Income Tax Act, 1961, and the said deduction is being prejudiced, by the delayed handing over of Possession. A Copy of the Income Tax return of the Applicant vide which he had claimed deductions, under Section 54, of the Income Tax Act, 1961, is also being placed on record, for the kind perusal and ready reference of this Hon'ble Authority as ANNEXURE-A-5, to the present application.

10. That as no response or reply in respect of communication sent by the Applicant was received, the Applicant was forced to issue a Legal notice to the non-applicant / respondent-present Promoter, through his counsel, Sh. Vishal Mohan, which was sent to him, by Registered Post. Unfortunately, the said Notice has come back with Postal Remark "refused". A Copy of the said Legal Notice is being placed on record for the kind perusal and ready reference of this Hon'ble Authority as ANNEXURE-A-6, to the present Application.

11 That in light of the of the facts aforementioned, the Applicant is seriously prejudiced, in the light of various serious discrepancies, and delay in execution of the project, the kind indulgence of this Hon'ble Authority is sought and the following reliefs are sought, which have been detailed infra for the kind perusal and ready reference of this Hon'ble Authority.

Reliefs Sought

**PRAYER CLAUSE: a) That this Hon'ble Authority may kindly be pleased to hold the non-applicant / respondent, guilty for delay in execution of the project and for the period of delay, a suitable compensation may kindly be awarded, in favour of the Applicant and against the non-applicant / respondent. b) That this Hon'ble Authority further may kindly be pleased to direct the non-applicant / respondent, to the complete the work and handover the possession of the property agreed to vide Agreement**







## Complainant Details

	Personal Info	Contact Details	Address	Notice Address
1.	SATISH CHANDRA SAXENA Father : <b>Sh. PRAKASH CHANDRA SAXENA</b> Type : <b>Allottee</b>	9811590120 iampramil@gmail.com	E-84, Second Floor greater kailash, New Delhi, Delhi, 110048	E-84, Second Floor greater kailash, New Delhi, Delhi, 110048









## Respondent Details

	Personal Info	Contact Details	Address
1.	<p>RAJEEP SHARMA</p> <p>Type : <b>Project</b></p> <p>Category : <b>Individual</b></p> <p>RERA Reg No : <b>RERAHPSOP11200092</b></p>	<p>9459300039</p> <p>info@rajeepandcompany.com</p>	<p>Corporate Office , SCO-, First Floor , Hollywood plaza, VIP Road , Zirakpur, Mohali, Punjab, 140603</p>

**Documents relied upon by the complainant and referred to in the complaint**

1.	Copy of sale agreement	 
2.	copy of sale agreement 2	 
3.	copy of the communication letter	 

**Other Documents as annexed along with the complaint**

1.	copy of photographs	 
2.	copy of photographs part 2	 
3.	copy of Legal notice	 
4.	power of attorney	 
5.	Copy of computation of income and ITR	 
6.	Copy of payment receipts	 

## Declaration

### Jurisdiction of the Authority

I **SATISH CHANDRA SAXENA** declare that the subject matter of the claim falls within the jurisdiction of the authority.

### Complaint not pending with any other Court

Whether this Complaint is pending with any other court, etc.? : **No**

I **SATISH CHANDRA SAXENA** declare that the matter regarding which this complaint has been made is not pending before any court of law or an other authority or any other tribunal(s).

### Declaration and Verification

I **SATISH CHANDRA SAXENA**, S/O **Lt. Sh. PRAKASH CHANDRA SAZENA** do hereby verify that the given details are true to my personal knowledge and belief and the i have not suppressed any material fact(s).

Place : **shimla**

Date : **17/02/2022**

**Registration Fee**

Fee Amount

**₹ 500**

Payment Status :  **Payment Received**

Payment Mode : **Online**

Transaction No. : **HPR180220220002**

Transaction Date : **18/02/2022 03:40 PM**

Bank Details : **SBIN~204915426932**