

**Kul Bhushan Sharma**  
**Vs.**  
**M/s Sohi Builders**  
**(Unregistered project)**

Present: Complainant in person.  
Sh. Arun Sharma, Counsl for the respondent.

Matter heard through V.C.

The present complaint U/s. 31 of the Real Estate (Regulation & Development) Act, 2016 (hereinafter referred as the 'Act') was filed on 24<sup>th</sup> December, 2019 by Sh. Kul Bhushan Sharma (hereinafter referred as "Complainant") against M/s. Sohi Builders (hereinafter referred as "Respondent") in respect to flat No.203, 2<sup>nd</sup> Floor, in project titled as Sohi Heights, Gazipur, NAC Zirakpur.


In response to the complaint, the respondent submitted reply on 11.02.2020. Complainant mailed his replication to the reply on 18.09.2020, which was taken on record. Today matter came up for arguments. Both the parties made their submissions.

The complainant in his complaint has mentioned that the respondent had given possession of the flat in the year 2018 and the registered sale deed/conveyance deed was executed on 03.05.2018. He is in continuous possession of the same. He also further admitted that the residents of the project constituted RWA (Residents Welfare Association) on 01.05.2019 to maintain the essential services. He further made his submissions in regard to the issues which are common in nature for all the residents of the project, which essentially falls within the purview of RWA, as he has himself admitted that the respondent had handed over the maintenance of the common facilities to the association on 30.4.2019 and had duly informed them that hence-forth the essential services shall not be maintained by him.

The counsel for the respondent argued that the complaint is frivolous in nature and has been filed only to escape the payment of maintenance charges @ Rs.2000/- per month, without which the essential services cannot be maintained. He further attached a copy of the annual service/maintenance contract in respect of the lift allotted to M/s. Schindler India Pvt. Ltd. in support of his argument that the issues raised by the complainant are un-substantiated.

Based on the evidence on record and the arguments of both, the complainant and counsel for the respondent, the complaint is found to be frivolous in nature, as the complainant has already taken possession of his flat and even got the conveyance deed executed. Further since the RWA has been constituted, the same is responsible for upkeep and maintenance of common facilities and maintenance charges by the residents/allottees. The complaint is, accordingly, dismissed being devoid of merits. File be consigned to record room and copy of order be provided, free of cost, to both the complainant and the respondent.

Chandigarh  
Dated: 21.09.2020

  
(SANJIV GUPTA)  
Member  
RERA, Punjab  
21/09/20