

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 1472/2025

**M/S Mass House Building
Cooperative Ltd.
Th. Dalip Raina**

.....Appellant(s)/Petitioner(s)

Through: Mr. Pranav Kohli, Sr. Advocate with
Mr. Vastav Sharma, Advocate

Vs

UT of J&K & Ors.

..... Respondent(s)

Through: Mr. S.S. Nanda, Sr. AAG for R-1,4 to 6
Mr. Mayank Gupta, Advocate for R-2 &
3

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(02.07.2025)

सत्यमेव जयते

01. The petitioner is a cooperative society which is engaged in development of residential colonies/accommodations in its said pursuit.

02. At different points of time, the petitioner came to initiate three development projects, namely, Royal Apartments located in Toph Sherkhanian, Tawi Apartments located in Sidhra and Northern Heights located in village Thathar, Jammu.

03. All the three residential development projects were undertaken by the petitioner pursuant to valid building

permissions, original as well as revised, from the competent authority/ies prescribed for granting building permissions.

04. Surely, the petitioner came to avail the building permission relating to the said three development projects way back in the year 2007 and 2013. The petitioner came to complete the projects related to the three above mentioned sites.

05. In all the three above mentioned development projects, the construction of the development had taken place block-wise and for each block-wise construction, the petitioner was having the requisite building permission.

06. For some of the blocks so constructed and completed by the petitioner which in the course of time even came to be allotted/transferred to its occupiers, the completion certificate/s required under requisite statutory provision came to be procured by the petitioner whereas with respect to some of the blocks, as in the case of Tawi Apartments at Sidhra for Block-B, the petitioner though is said to have completed the building construction but did not apply for completion certificate for good length of time but upon applying for the requisite completion certificate came to suffer rejection from the Senior Town Planner, Municipal Corporation Jammu in terms of an impugned communication No. JMC/Bs/2024-25/08-09 dated 05.11.2024 which afforded cause of action for the petitioner to come forward with the present writ petition which involves interplay of three authorities as on date i.e.,

Jammu Municipal Corporation, Authorities under the Registration Act and Real Estates Regulatory Authority (JKRERA) constituted under the Real Estate (Regulation and Development) Act, 2016.

07. It appears that some sort of confusion or miscommunication which do not bring all the three aforesaid authorities on the same page is compounding the difficulties for the petitioner in the matter of offering its completed building blocks/apartments to transfer.

08. The area of law which has become the bottleneck in the context of the present case is the status of the petitioner in terms of developer of the aforesaid three development works which, under the sweep of the Real Estate (Regulation and Development) Act, 2016, is meant to be a real estate project.

09. Section 3 of the Real Estate (Regulation and Development) Act, 2016 requires a promoter of a real estate project to register a given real estate project before and with the Real Estate Regulatory Authority established under the Act which, in the case of the UT of J&K, is there constituted in January 2024.

10. Section 3 sub-section 2 of the Real Estate (Regulation and Development) Act, 2016, however, exempts registration of the real estate project required under Section 3.

11. Section 3(1) has a proviso which is catering to the ongoing real estate project on the date of commencement of the Real Estate (Regulation and Development) Act, 2016. Sub-section 2 of

Section 3 of the Real Estate (Regulation and Development) Act, 2016 exempts a promoter of real estate project from earning registration subject to contingency cited therein.

12. For the purpose of lending an effectual indulgence in the matter with respect to the grievance of the petitioner, this Court first needs to get status report from the respondent No. 3- Senior Town Planner, Municipal Corporation, Jammu, Town Hall, Jammu with respect to the building blocks relatable to the three housing projects of the petitioner with respect to which the petitioner intended completion certificate to be issued.

13. Therefore, this Court directs the petitioner to submit a list of the said building blocks to the Senior Town Planner, Municipal Corporation, Jammu, Town Hall, Jammu by or before 10th of August, 2025 whereupon the Senior Town Planner, Municipal Corporation Jammu, Town Hall, Jammu to submit a status report about the physical status of the said building blocks as to whether the same constructed as per the permission granted or not completed as yet.

14. Needful compliance to be done by the Senior Town Planner, Municipal Corporation Jammu, Town Hall, Jammu by or before next date.

15. The representative of the petitioner shall also be co-opted in the matter of carrying out the inspection of the blocks in reference.

16. List on **23.07.2025**.

(RAHUL BHARTI)
JUDGE

JAMMU
02.07.2025
SUNIL

