



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाइंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY

23 to 34

Day and Date

Tuesday and 09.07.2024

Complaint No.

CR/1707/2019 Case titled as Vishakha Bist Vs Oasis Landmarks LLP

CR/3040/2020 Case titled Shelly Chaudhary vs. Oasis Pvt. Ltd.

CR/3069/2020 Case titled as Sachin Mittal and anr. Vs Oasis Landmarks LLP and others

CR/2744/2020 Case titled Ajay Vohra vs. M/s Godrej Properties and others

CR/553/2021 Case titled as Rajat Arora Vs Oasis Landmarks LLP and others

CR/1134/2022 Case titled as Archana Jain & Ashok Jain Vs Oasis Landmarks LLP and others

CR/1165/2022 Case titled as Sadhna Maheshwari Vs Oasis Landmarks LLP and others

CR/1187/2022 Case titled as Meva Singh Sahota & Kalwinder Sahota Vs Oasis Landmarks LLP and others

CR/1131/2022 Case titled as Ravi Gulgulia & Chandrakantha Gulgulia Vs Oasis Landmarks LLP and others

CR/1509/2022 Case titled as Namita Garg & Anshul Gupta Vs Oasis Landmarks LLP and others

CR/1526/2022 Case titled as Lt. Col. Rippon Bhalla Vs Oasis Landmarks LLP and others



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	CR/2384/2022 Case titled as Praful Chander Agarwal and anr. Vs Oasis Landmarks LLP and others
Represented through	Shri Ashish Sardana AR, Gaurav Rawat, Advocate and Shri Rohit Oberoi, Advocate
Respondent	1. M/s Godrej Properties 2. M/s Oasis Landmarks LLP 3. M/s Oasis Buildhome Pvt. Ltd.
Respondent Represented through	S/Shri Kapil Madan and Saurabh Gauba Advocates
Last date of hearing	14.05.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 29.04.2019. The reply and objection were filed by the respondent on 17.02.2023. Rejoinder to the reply and objections was filed by the complainant on 25.07.2023.

On 02.04.2024, the Authority was of the view that the complainant may be heard in person on the next date of hearing. Thereafter the complainant has filed an application on 26.04.2024, under section 39 of the Act for rectification of order dated 02.04.2024 and the said application was listed on 14.05.2024, the complainant i.e., Smt. Vishakha Bist was appeared in person. She stated that she does not wish to proceed with mediation in the matter and the case may be decided on merits. She further requested that Shri Ashish Sardana to whom she has granted special power of attorney may be allowed to appear on her behalf to plead the complaint. Request was allowed.

The AR of the complainant states that the complainant wishes to withdraw from the project as the respondent/promoter has misrepresented about the project from the date of booking. It is further, alleged by the complainants that initially the booking was made under the payment plan 20:20:60. Post signing of application form it was informed to the complainant that booking would be under 20:20:40:20 which was not acceptable to the complainant.



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and after lot of request was able to get it changed to 10:10:20:40:20. But no material has been placed on record to substantiate the above allegation made by the complainant. However, the payment plan which was annexed with the application form and the buyer's agreement is 10:10:20:40:20 (Annexure- B of Application form, page 37 of complaint & Schedule VII of BBA, page 87 of complaint). The payment plan is reproduced below for ready reference:

S.no.	Payment due on	Value
1	On booking	5 Lakh (Booking amount)
2	Within 60 days of booking	10% of COP* less booking amount
3	Within 5 months from booking	10% of COP*
4	On completion of superstructure	20% of COP*
5	On completion of finishing (Completion of brickwork and internal plaster)	40% of COP*
6	On intimation of possession	20% of COP*

The complainant is alleging that the respondent has raised every demand in a premature manner in an arbitrary manner which is in derogation with the payment plan agreed between the parties in the application form and the BBA.

It is a matter of fact that the complainant has paid an amount of Rs.9,34,872/- on 28.07.2015 (payable within 60 days of booking) and Rs.14,42,135/- i.e., 10% of the cost of property (payable within 5 months of booking) was paid on 13.10.2015. Further she received a demand on 11.04.2016 for an amount of Rs.28,29,229/- towards 20% of cost of property (payable on completion of super structure). It is alleged by the complainant that as when the project has just been launched, how the super structure could be completed within such short span. On 11.04.2016, the complainant had paid an amount of Rs.52,06,237.60/- (i.e., almost 37.92% of the sale consideration) towards the total sale consideration of the subject unit. As per the statement of account dated 01.07.2021, (Page 303 of reply) she has made payment of Rs.57,71,105/- in total and has paid last installment on 11.04.2016.

The complainant has made certain allegations regarding the contradictions and inconsistencies within the documents that are in public domain. They are as under:

1. Project land disclosed in BBA is 9.358 acres whereas as per the RERA registration certificate issued by the interim authority is 6.459375



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- acres.
- ii. The dwelling unit has been increased from 358 to 662 which has in turn increased the density of flats from 40 flats per acre. Number of towers had been increased from 9 towers to 13 towers. [The respondent has marketed and advertised a lot about the density of the project in the public domain which can be substantiated by the materials placed on record as annexure 1 of the complaint]
 - iii. The complainant further submitted that they found out that the respondent had changed the sanction plan sometime in May-June 2018 and had not even informed the complainant about the same.

On this point the respondent has submitted that initially, the complainant has request for withdrawal of the project due to financial difficulties (at page 8 & 9 of the complaint) and the allottees are speculative investors and invest the money to earn the profit.

In serial no.25, 26 and 28 to 34, Shri Rohit Obreoi, Advocate appeared on behalf of the allottees and states that he is representing 9 allottees. Out of which, 5 and 6 allottees have already paid the full consideration amount to the respondent and they are not investors.

The counsel for the respondent states that a license bearing no. 85 of 2013 was obtained for a land parcel admeasuring 13.759 acres by Oasis Build Home Private Limited. Thereafter, zoning plans and building plans were approved from the competent authority. However, the said land was to be developed in phases namely '**Phase Oasis**' and '**Phase Icon**'. Accordingly, the developer first launched the phase Oasis on land admeasuring 4.40 acres in 2014. Thereafter, Phase Icon was launched in 2015 and that was to be developed on land admeasuring 9.359 acres. Further in the meantime, the Oasis Build Home Private Limited obtained a license bearing no. 151 of 2014 dated 05.09.2014 for an additional area of 0.925 acres. DTCP granting in-principal approval for revision of building plan on 12.04.2018. Accordingly, a letter dated 28.05.2018 was issued to all the allottees wherein the respondent has summarized the proposed changes regarding revision of building plans for the ease of reference to the allottees. Thereafter, a meeting was held in the office of STP, Gurugram, Department of Town and Country Planning on 17.07.2018 wherein the objections from the allottees were heard in length. Subsequently, after following due process of law, the Department of Town and Country Planning had granted approval for revision of building plans on 03.10.2018.



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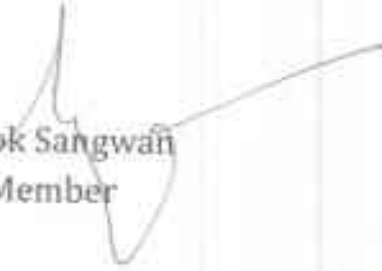
Upon in-corporation of the additional license land, the respondents was entitled to additional FAR and as such the entire development of the project is carried out strictly in accordance with the sanctioned plan and approvals. There is no reduction of land for ICON and neither the land that was meant for ICON has been used for any other project as contained by the complainant.

Arguments heard.

Order reserved.

Both the parties may file brief written submissions (not more than 5-6 pages) within a period of 4 weeks with an advance copy to each other.

Matter to come up on 17.09.2024 for pronouncement of order.


Ashok Sangwan
Member


Vijay Kumar Goyal
Member


Arun Kumar
Chairman
09.07.2024