



**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 लाईंस, गुरुग्राम, हरियाणा

<b>PROCEEDINGS OF THE DAY</b>		<b>69</b>
Day and Date	Tuesday and 18.02.2025	
Complaint No.	MA NO. 82/2025 in CR/3606/2024 Case titled as Capital Gateway Homebuyers Welfare Associations VS KNS Infracon Private Limited & Department of Town and Country Planning & Office of Senior Town and Country Planning Gurugram	
Complainant	Capital Gateway Homebuyers Welfare Associations	
Represented through	Ms. Prerana Advocate	
Respondent	KNS Infracon Private Limited & Department of Town and Country Planning & Office of Senior Town and Country Planning Gurugram	
Respondent Represented	Ms. Kanika proxy counsel on behalf of R-1 None on behalf of R-2	
Last date of hearing	Application u/s 36 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
<b>Proceedings</b>		
<p>The complainant filed an application under section 36 of the Real Estate Regulatory Authority Act 2016 for ex parte ad- interim stay and restraint orders.</p> <p>The complainant has filed the present complaint against the respondents on the grounds inter alia that the respondent no 1 intends to increase the far and has altered the original plan in phase-2 unilaterally without obtaining the mandatory 2/3<sup>rd</sup> majority in violation of section 14 (2) (ii) of the RERA Act. The Complainant has also sought the following Reliefs inter alia:</p> <p>“a) <i>The Respondent No 1, its promoter, or his agent or assignee or any allottee or anybody acting through him shall not be granted any further extension of HREERA Registration no 12 of 2016 beyond 30/06/2025 i.e the expiry of the current registration.</i></p> <p>b) <i>The Respondent No 1, its promoter, or his agent or assignee or any allottee or anybody acting through him be restrained from creating, registering any</i></p>		



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MH No. 24/2025 INCR/2606/224

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

- association of Homebuyers till the subsistence of Capital Gateway Home Buyers Association by any other nomenclature, modification or amendment.
- Set aside /Cancel the revised Zonal and Building plan issued by the Respondent no 2, i.e Department of Town and Country Planning, Haryana, Chandigarh vide Memo number ZP-723/AD(RA)/2016/26863 dated 09/12/2016 retrospectively, and restore the original approved building and zonal plans dated 16/04/2011.
  - Set aside the memo dated STP (G) /2023/427 dated 23/08/2023 issued by the Respondent no 3, i.e Office of the Senior Town Planner , Gurugram Circle, Gurugram, Department of Town & Country Planning, Haryana thereby not allowing the Respondent any further extension of Floor Area Ratio and that the Respondent shall abide by the original Zonal and building plan dated 16/04/2011.
  - Restrain the Respondents No 2 and 3 from granting any further enhancement of Floor Area Ratio or change/modify/revise the original Zonal and building plan dated 16/04/2011.
  - The Respondent No 1, its promoter, or his agent or assignee or any allottee or anybody acting through him shall not be allowed any further change in building and zonal plans in the Plan dated 16/04/2011 as approved in 2013.
  - Direct the Respondent No 1, its promoter, or his agent or assignee or any allottee or anybody acting through him to demolish the additional 2 floors in Phase-II constructed against the original sanctioned floors of 10 and no further enhancement in number of floors shall be made.
  - Direct the Respondent No 1, its promoter, or his agent or assignee or any allottee or anybody acting through him to compensate the respective buyers in the wake of the demolition of the additional 2 floors in Phase-II constructed in violation of the original sanctioned floors of 10.
  - The Respondent no 1, its promoter, or his agent or assignee or any allottee or anybody acting through him shall restore and follow the provision of basic amenities and common areas, common buildings , without altering, modifying, amending the nomenclature, location and purpose, especially with respect to the Community Buildings as per the original building and Zonal Plan dated 16/04/2011.

That the complainant has also sought the following interim reliefs inter alia:

- Directions for Stay of the revised building and zonal plan revised Zonal and Building plan issued by the Department of Town and Country Planning , Haryana, Chandigarh vide Memo number ZP-723/AD(RA)/2016/26863 dated 09/12/2016 and any construction thereunder against the Respondents.
- Directions for Stay of the memo dated STP (G) /2023/427 dated 23/08/2023 issued by the Office of the Senior Town Planner , Gurugram Circle, Gurugram, Department of Town & Country Planning, Haryana against the Respondents.
- Restrain the Respondent No 1, its promoter, or his agent or assignee or any allottee or anybody acting through him from carrying out any constriction in the 11<sup>th</sup> and 12<sup>th</sup> floors in towers H to J Phase II, and additional floors thereof.



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MAND-82/2025th CR/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

- d) *The Respondent No 1, its promoter, or his agent or assignee or any allottee or anybody acting through him shall be restrained from increasing the FAR till the disposal of the present Complaint.*
- e) *Directions thereby restraining Respondent No 1 the promoter, or his agent or assignee or any allottee or anybody acting through him taking any steps towards proceeding with the creation, registration of any association of Homebuyers till the subsistence of Capital Gateway Home Buyers Association by any other nomenclature, modification or amendment*
- f) *Directions that the Respondent No 1, its promoter, or his agent or assignee or any allottee or anybody acting through him shall obtain all necessary approvals from the Complainant in writing from more than 2/3<sup>rd</sup> members towards any act affecting the completion, execution of the project.*
- g) *The Respondent No 1, its promoter, or his agent or assignee or any allottee or anybody acting through him shall be restrained from doing act that would impact the completion, execution of the project to the detriment of the interest, rights, and claims of the Complainant.*
- h) *The Respondent No 1, its promoter, or his agent or assignee or any allottee or anybody acting through him shall be restrained from doing any act or omission that would destroy the reliefs sought by the Complainant in the present Complaint."*

Arguments heard.

The Authority is of view that the reliefs sought by the complainant in the present application pertains to issues with Department of Town and Country Planning (DTCP) specifically requesting the cancellation of a revised building plan and the enhancement of the floor area, among other demands. Hence, the present application is dismissed.

Both the parties may file written submissions within a period of 15 days

With an advance copy to each other.

Matter to come up on 11.03.2025 for further proceeding.

Ashok Sangwan  
Member

  
Arun Kumar  
Chairman  
18.02.2025

v.l-g  
Vijay Kumar Goyal  
Member