

PROCEEDINGS OF THE DAY		40
Day and Date	Tuesday and 06.08.2024	
Complaint No.	CR/4747/2022 Case titled as Satish Kumar Sharma VS Vatika Limited	
Complainant	Satish Kumar Sharma	
Represented through	Shri K.K. Kohli Advocate	
Respondent	Vatika Limited	
Respondent Represented	S/Shri Pankaj Chandola and Shubham Mann Advocates	
Last date of hearing	07.05.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been received on 06.07.2022 and the reply was received on 17.10.2022.

Vide order dated 20.07.2023, the authority appointed local commission to visit the site to ascertain the availability of plots and submit report within a period of 15 days. The requisite report was submitted by the local commission on 25.10.2023 and it was concluded as under:

"5. CONCLUSION:

The site of the project namely Signature plus (Part of Vatika India Next) being developed by M/s Vatika Limited has been inspected on 18.10.2023. After the site inspection, it is submitted that;

- I.** *Originally a BBA dated 27.11.2009 for plot no. 68/240/Simplex/BR area admeasuring 1527 sq. ft, Sector-82, Gurugram was executed by the promoter which was endorsed in favor of the complainant on 05.09.2011 and after that an addendum was made on 26.03.2012 wherein the plot was reallocated vide plot no. 18/240/Simplex/ST. 82 D1-4.*
- II.** *The respondent promoter have submitted the layout plan, revised layout plans of the plotted colony and one zoning plan of Sector-82, Gurugram of the project in accordance with the revised layout plan of the colony having area measuring 477.206 acres wherein the plot no. allotted to the*



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियमक प्रमोशन, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

- complainant is not mentioned on any plan. The respondent promoter asked to submit the zoning plan approved at the time of BBA/addendum to the plot and to mark the plot number allotted to complainant on plans submitted by them so as to find out the location of allotted plot but they failed to submit the both/same.*
- III.** *In the absence of submission of approved zoning plan (marked with the plot numbers) at the time of BBA/addendum to BBA, the location of plot number allotted to the complainant cannot be identified and, in that situation, the current status of the plot allotted to the complainant cannot be submitted.*
 - IV.** *The promoter may be directed to submit the approved zoning plan (marked with the plot numbers) at the time of BBA/addendum to BBA to identify the location of complainant plot and accordingly the current status of that location will be submitted.*
 - V.** *The promoter did not submit the list of plots sold and unsold in the project.*
 - VI.** *The site photographs captured at the time of site inspection and approved layout plans submitted by the respondent are attached herewith."*

The counsel for the complainant states respondent has not submitted the list of sold/unsold plots and even no documents has been provided to the LC at the time of his visit at site. Now they are saying that plot is not available whereas they are selling the plots on higher rates, it is violation of section 63 of the Act and the respondent may be proceeded for penal proceedings. He further requests to direct the Local Commission to visit the site again and submit his report and the respondent be directed to provide the plans and other documents which are required, to the LC.

In view of the above, the authority observes that the Local Commission shall again visit the site and check the availability of plots in view of the detailed documents alongwith photographs supplied by the counsel for the complainant who is very categorical that the unit is available at site and is also available for sale at a higher price through the broker and the rightful claim of the allottee are being denied and further requests to impose heavy cost on the respondent for not supplying the relevant maps/plans despite directions of the authority. The counsel of the respondent assures that if any plan or documents is required, the same shall be supplied to the LC within one week alongwith the reply submissions made by the counsel for the complainant failing which the respondent shall be liable for penal proceedings. The documents mentioned at serial No. 2 to 6 above shall be submitted alongwith the reply. The LC is directed to ~~be~~ visit the site and submit his report within a period of one month.



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 लाइन्स, गुरुग्राम, हरियाणा

Matter to come up on 29.10.2024 for further proceedings.

Ashok Sangwan
Member

V.1-3
Vijay Kumar Goyal
Member

Arun Kumar
Chairman
06.08.2024