

PROCEEDINGS OF THE DAY		55
Day and Date	Tuesday and 29.10.2024	
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 Venket Rao and Gunjan Kumar Advocates	
Last date of hearing	06.08.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The present complaint was received on 06.07.2022 and the reply was received on 17.10.2022.		
Vide order dated 20.07.2023, the authority appointed a local commission to visit the site to ascertain the availability of plots and submit a 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 favour of the complainant on 05.09.2011 and after that an addendum was made on 26.03.2012 wherein the plot was re-allotted 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 complainant is not mentioned on any plan. The respondent promoter were 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."

On 06.08.2024 the complainant very categorically requested the authority to direct the LC to visit the site again since the plot is still available with the broker and respondent is intentionally hiding the true facts. In view of the same authority again directed the LC to visit the site again and directed the respondent to provide the documents mentioned at serial no. 2 to 6 of the above LC report.

On 25.10.2024 the LC again visited the site and as per the report dated 25.10.2024 it is recorded that after a long wait Mr. Nitin Bansal (Assistant Manager-Legal) appeared on behalf of respondent. Also the respondent representative failed to produce any such document as directed by the authority vide order dated 06.08.2024 therefore no report can be submitted.

In view of the above, the respondent is directed to show cause under section 63 of the Act as to why a penalty of Rs. 5 Lakhs may not be imposed for violation of the directions of this authority and refusal to provide the relevant documents. Further, the respondent is directed to submit the relevant documents in the registry of the authority within a period of 3 weeks with an

advance copy to the counsel for the complainant failing which the respondent shall be liable to pay penalty of Rs.10,000/- per day for each day of default.

Matter to come up on **11.102.2025** for further proceedings.


Ashok Sangwan
Member


Arun Kumar
Chairman
29.10.2024


Vijay Kumar Goyal
Member