



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. हाई. विभाग गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY		5
Day and Date	Friday and 06.10.2023	
Complaint No.	CR/5329/2022 Case titled as Navita Sehgal Vs Emaar MGF Land Ltd	
Complainant	Navita Sehgal	
Represented through	Shri Jagdeep Kumar Advocate	
Respondent	Emaar MGF Land Ltd	
Respondent Represented	Shri Ashwarya Hooda Advocate	
Last date of hearing	15.09.2023	
Proceeding Recorded by	Naresh Kumari	

Proceedings

The present complaint was received on 09.08.2022 and the reply on behalf of respondent was filed on 27.10.2020.

The counsel for the complainant has moved an application for appointment of LC to assess the whether the unit is preferentially located or not as per the terms of BBA (clause 1.2 (e), and as per clause E(2) page 41, of the complaint itself clearly states that if due to any change in the layout plan, the unit ceases to be preferentially located then in such event, the company shall be liable to refund only the amount of PLC paid by the allottee without any interest and compensation or damages of any nature, whatsoever and such refund shall be adjusted in the following instalment for the unit.

Further, as per the building plans dated 14.09.2012, there was a green area called as jogger park in front of/on the south direction of **Tower 23 to 27** which has been now converted into car parking to the extent of around 40% of the green area and 6-meter wider fire tender road has been converted into a green area which can be hazardous in case of fire in that society.

The counsel for the respondent filed of the reply of the said application and states that the demand for appointment of LC as requested for by the counsel for the complainant is not valid as it is the jurisdiction of DTCP to verify the actual status of the amenities and building plans got approved by the



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. विभाग गृह, सिविल लाइन्स, गुरुग्राम, हरियाणा

respondent, prior to issue of occupation certificate of the project. Moreover, the complainant is asking for the PLC of certain particular towers/units which can be very well explained through the building plans and photographs of the site and there is no need for appointment of LC. The PLC charges were for jogger park facing and central green as per page 66 of the complaint. As far as fire tender road is concerned, it is common amenities available for the society of that project as a whole and moreover, the complainant has not claimed this relief in the complaint. However, the counsel for the complainant states that he has mentioned about it in para - P at page No.12 of the complaint.

Further, the counsel for the respondent further submitted a paper book which has certain citations w.r.t justification for appointment/non appointment of L.C.

Arguments were heard at length.

The counsel for the complainant submitted that the respondent did not provide the joggers track even after taking huge PLC charges in the name of joggers' track. The complete view of jogger's park is restricted by the staircase of tower 26 and the respondent has also reduced the size of joggers park by creating an extra open parking space in the project.

On the other hand, the respondent submitted that the project has been constructed strictly in accordance with the sanctioned plans. Furthermore, structural changes, if any, in the project have been carried out strictly in accordance with the provision of law. The quantum of PLC is matter of record. Moreover, preferential location of the unit is not exclusive to the ocular aspect thereof.

As per clause 1.2(e)(i) of the buyer's agreement, the following provisions have been made regarding PLC:

"1.2(e) Preferential Location Charges

- (i) *The proportionate amount of the preferential location charges ('PLC') for certain units in the Project which inter alia would be charged for Central Greens for Rs.4,95,000/-, Joggers Park Facing for Rs.3,30,000/-, Third Floor for Rs.82,500/- and if the Allottee opts for any such Unit, the PLC for the same shall be included in the Total Consideration payable by the Allottee as set out in clause 1.2(a)(i) above for the said Unit.*
- (ii) *The Allottee understands that if due to change in layout plan, the location of any Unit, whether preferentially located or*



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. विधान गृह, सिविल लाईन्स, गुरुग्राम, हरियाणा

otherwise is changed to any other preferential location, where the PLC are higher than the rate as mentioned hereinabove, then in such a case the Allottee shall be liable to pay the PLC as per the revised PLC decided by the Company within thirty (30) days of any such communication received by the Allottee in this regard. However, if due to the change in the layout plan the Unit ceases to be preferentially located, then in such an event the Company shall be liable to refund only the amount of PLC paid by the Allottee without any interest and/or compensation and/or damages and/or costs of any nature whatsoever and such refund shall be adjusted in the following installment for the Unit."

The authority is of the view that since the PLC has been charged by the respondent w.r.t the unit being preferentially located and complainant stated that the unit ceases to be preferentially located. Accordingly the authority thinks it appropriate to appoint LC in the given matter and hereby directs Mr. Sumit Nain and Neeraj to visit the site of the unit and submit a fact-finding report on the issue of complainant's unit being preferentially located within a period of 15 days. Registry is directed to do the needful.

Matter to come up on **12.01.2024** for further proceedings.


Sanjeev Kumar Arora
Member
06.10.2023