HARERA
GURUGRAM

Promoter Name M/s Supertech Ltld.
Project Name Araville

Project hearing brief

SN	Particulars	Details		
1.	**Name of the project**	Araville		
2.	**Name of the promotor**	Supertech Ltd		
3.	**Nature of the project**	Group housing		
4.	**Location of the project**	Sector 79, Gurugram		
5.	**Name of the license holder**	M/s Tirupati Build Plaza Pvt. Ltd		
6.	**Status of project**	Ongoing		
7.	**License no.**	37 of 2011 dated 26.04.2011		
8.	**Total licensed area**	10.00 Acres	**Area registered**	10.00 Acres
9.	**Registration no.**	RC/REP/HARERA/GGM/2018/16 dated 13.10.2018		
10.	**Validity of registration**	31.12.2019 (6-months COVID-19 extension = 30.06.2020)		
11.	**Complainant Name**	Ramesh Chander, son of Sh. Ram Singh		
12.	**Respondent Name**	M/s Tirupati Build Plaza Pvt. Ltd,		
13.	**File Status**	**Date**		
	Complaint received on	01.04.2022		
	SCN sent on	27.04.2022		
	1st hearing on	09.05.2022		

14. Project Summary

The authority is in receipt of complaint submitted by advocate Garvit Gupta vide central receipt no. 14838/30531 dated 01.04.2022 against the registered project namely Araville located in sector 79, Gurugram being developed by M/s Supertech Ltd.

As per the record of the authority and re-scrutiny of registered file, it has come to the notice of the authority that license no. 37 of 2011 dated 26.04.2011 was issued in favour of M/s Tirupati Buildplaza Pvt Ltd.

1. In the complaints, the following assertions have been made:

   i. The promoter namely M/s Tirupati Build Plaza Pvt. Ltd is the license holder of the land on which the project 'Araville' is being developed. Kasturi Lal Gupta and Sunil Sahai was also the director of the company when the license of the land was obtained.

   ii. That the complainant is heavily aggrieved on account of several irregularities, illegalities, fraud, cheating committed by the promoter against the complainant.

   iii. That for the purpose of obtaining the license, the promoter forged sale deed No. 81 executed by Mahavir wherein the description of the land was changed and the same was submitted to the concerned authorities for the purpose of obtaining the license which could be granted only for one compact piece of land. Copy of the forged sale deed bearing vasika No.81 submitted in the office of DTCP is annexed in the complaint at Annexure A7.

iv. The promoter applied to the DTCP, Haryana for obtaining a license. Since it was mandatory that for obtaining a license, the builder should possess at least 10 acres of land therefore, the promoter forged and fabricated certain documents in order to submit the application for obtaining a license of 10 acres of land. The details of schedule of land in respect of which the application was submitted by the promoter for obtaining a license as well as the license bearing no. 37 of 2011 granted to the promoter are annexed in the complaint at Annexures A8 and A9 respectively.

v. The promoter fraudulently has got forged and fabricated document bearing No.113 dated 21.4.2010 to 12 Kanals 09 Marlas (which was of 08 kanals 09 Marlas) and Mutation No.3815 which should have been sanctioned for 08 Kanals 09 Marlas was wrongly got sanctioned for 09 Kanals 07 Marlas; because in the absence of 12 Kanals 09 Marlas (the minimum requirement), the license would have not been issued by the DTCP, Haryana.

vi. The promoter has deceived the Authority at the time of the registration of the project 'Araville' which has been got developed by it in the name of M/s Supertech Ltd. At the time of application for the registration of the project, one of the pre-requisites for the purpose of grant of registration certificate is that the promoter seeking registration is to submit authenticated copies of the approvals. Moreover, the promoter is to submit a declaration as per Section 4(l) of the Real Estate (Regulation and Development) Act, 2016, supported by an affidavit stating that it has a legal title to the land on which the development is proposed along with legally valid documents with authentication of such title. But the promoter has no legal title to the 'land' on which the construction of the project 'Araville' is being going on.

vii. The declaration submitted by the promoter for the purpose of registration of the project 'Araville' are fabricated, forged and incorrect. The promoter has shown its land to the extent of 10 acres which is not the correct case.

2. In view of the facts mentioned above, the complainant prays for the following reliefs: -

i. To revoke the registration certificate bearing number GGM/284/2018/16 got issued under Section 5 of the Real Estate (Regulation and Development) Act, 2016.

ii. Promoter be restrained from selling any units of the project in question till the final adjudicating of the issue in dispute.

iii. The bank holding the project bank account, specified under Sub-clause (D) of Clause (1) of sub-section (2) of Section 4 be directed to freeze the said account as per the details submitted by the promoter.

iv. Imposition of penalty upto 5% of the estimated cost of the real estate project upon the promoter on account of willful violation of the provisions of Real Estate (Regulation and Development) Act, 2016.

v. To appoint a commission to conduct an inquiry in relation to the affairs of the promoter.

vi. Promoter be restrained from carrying out the construction of the project on the disputed land in question until the conclusion of such inquiry.

vii. Imposition of penalty under Section 38 of the Real Estate (Regulation and Development) Act, 2016 regarding the contravention of the obligations cast upon the promoter under the Real Estate (Regulation and Development) Act, 2016.

viii. Promoter to be held guilty of the offence as per the facts enumerated above and are liable to be proceeded against and punished accordingly as per the Real Estate (Regulation and Development) Act, 2016 and other applicable laws.

The main contention of the complaint is that the promoter M/s Tirupati Build Plaza Pvt Ltd has shown its land to the extent of 10 acres in order to obtain license and submitted the forged and fabricated documents in various competent authorities which is not the correct case.

In view of above facts submitted by the complainant, the authority decided to issue show cause notice dated 27.04.2022 under Section 35 of the Act to call upon him to furnish in writing the para-wise information reply on allegations in the complaints. (Copy of complaint was enclosed with the SCN). Also, an opportunity of hearing was also offered to the promoter on 09.05.2022. The promoter was directed to submit the para wise reply of the complaint in the authority within 10 days. Also, a public notice was issued in which the promoter is directed not to facilitate any sale in the said project and the general public is advised not to enter in any purchase of flat in the said Project

As on today, no reply is submitted by the promoter regarding the allegations made in the complaint.

Proceedings dated: 09.05.2022

Ms. Jyoti Yadav, Planning Coordinator briefed about the facts of the project.

Sh. Garvit Gupta (Advocate) is present on behalf of the complainant. The main contention of the complaint is that the promoter M/s Tirupati Build Plaza Pvt Ltd has shown its land to the extent of 10 acres in order to obtain license and submitted the forged and fabricated documents in various competent authorities which is not the correct case.

In view of above facts submitted by the complainant, the authority decided to issue show cause notice dated 27.04.2022 and public notice under Section 35 of the Act to call upon him to furnish in writing the para-wise information reply on allegations in the complaints. (Copy of complaint was enclosed with the SCN). Also, an opportunity of hearing was also offered to the promoter on 09.05.2022.

As on today, no reply is submitted by the promoter regarding the allegations made in the complaint.

Matter to come up on 30.05.2022

Proceedings dated: 30.05.2022.

Ms. Jyoti Yadav, Coordinator Planning Branch briefed about the facts of the project.
Sh. Garvit Gupta (Advocate) along with Sh. Ramesh Chander Mokalwas and Sh. Gautam Mehta Mokalwas are present on behalf of the complainant.
Sh. Manu Jain (Advocate) along with Sh. Rohit Harbola and Sh. Sunil Sahai on behalf of respondents.
The Counsel for respondent has stated that there is civil suite pending in the Court of Sh. Sunil Kumar, Civil Judge (Junior Division), Gurugram since 2014 and there is no stay granted by the Hon'ble Judge and now matter at the concluding stage as the complainant has filed an application for additional evidence. The Counsel for complaint states that the relief sought before RERA is different and the matter pending in civil suite and there is possessee right with the complainant over 17 marla - 7 sarsai of land for which license has been obtained by manipulating the documents and request for seeking the reply and summoning the report from DTCP as well Tehsildar office where registration has been executed. However, the Counsel for respondent reiterated that it is the same matter which is pending before Hon'ble Civil Judge and hence the Authority may await the outcome of the suite pending before the civil court. However, the Counsel for the complainants requests for early revocation of the registration granted on basis of false land ownership documents. In view of the objection on the land title raised by Sh. Ramesh Chander, matter is referred to Local Commissioner/Inquiry Officer Sh. S.C. Goyal, Sessions Judge (Retd.) and Sh. Dharam Pal, DRO(Retd.) to examine the documents submitted/to be submitted by both the parties and give his findings about legal and clear title of the project land. They will be paid a fee of Rs. 25,000/- and Rs. 15,000/- respectively to be shared by both the parties.
The matter to come up on 04.07.2022.
On 04.07.2022, on request of the local commissioner/ enquiry officer, the matter was adjourned to 08.08.2022.

(J.S. Sindhu)
Executive Engineer (Monitoring)

Day and Date of hearing	Monday and 08.08.2022
Proceeding recorded by	Ram Niwas

PROCEEDINGS OF THE DAY

Proceedings dated: 08.08.2022

Sh. J.S. Sindhu, Executive Engineer (Monitoring) briefed about the facts of the project.

Sh. Ramesh Chander S/o Sh. Ram Singh, Complainant along with Sh. Garvit Gupta (Advocate) are present.

Sh. Manu Jain (Advocate), Sh. Sunil Sahai (AR) and Sh. Rohit Harbola (AR) on behalf of respondent are present.

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Project Name **Araville**

During the last hearing the matter was referred to Local Commissioner/Inquiry Officer the Inquiry Officer to examine the documents and give his findings about legal and clear title of the project land.

The Inquiry Officer has submitted the report which is taken on record. However, the parties are free to take copies of the same for filing objection if any a week prior to the date fixed with a copy to the other side.

The matter is adjourned to 29.08.2022.

Vijay Kumar Goyal
Member, HARERA, Gurugram

Dr. Krishana Kumar Khandelwal
Chairman, HARERA, Gurugram