

BRIEF OF THE CASE**DATED: 20.02.2023**

Complain t No.	RERA-GRG-572-2023 (Suo- Motu Monitoring)
SUBJECT	Suo motu projects under Section 7(1) of the Real Estate (Regulation and Development) Act.
Details of the Suo-Motu	
Name of the project	Aspiration, Sector-88A,88B and 89, Gurugram
Name of the promote r (License e)	M/s Vatika Limited
Brief facts of the case	<p>It has come to the notice of the authority that the promoter have given advertisement on online portal i.e., https://www.vatikaevolutionplots.in/, https://vatikaplots.visit.ind.in/, vatika-sales.com, for above advertising/marketing of the DDJAY residential plots in the above-mentioned project. Further canopies have been placed on Dwarka Expressway, for advertising/marketing/booking/selling of plots in the residential plotted project under Deen Dayal Jan Awaas Yojana(DDJAY)situated in sector-88A,88B and 89, Gurugram.</p> <p>The advertisements have been downloaded on Monday,20.09.2021 at 11:55 AM and placed on record. The advertisements given by the promoter are floating all over virtual space and real estate market.</p> <p>Further, a complainant has also been received in the authority on 12.07.2021 from Mr. Ravi Luthra having address C-47, Inderpuri, New</p>



Delhi-11018196 in regard to the sale of plots by M/s Vatika Limited without registering the project with the authority. The complainant has submitted that M/s Vatika Limited has launched the plots under DDJAY policy by the name "Vatika Evolution" in sector-88B, Gurugram. The plot Sizes offered by the promoter are 75, 120,150,180 Sq. yard and these plots are being sold by various brokers via their websites and also by pitching tents at various locations across Dwarka Expressway.

On the basis of the advertisement and complaint received in the authority, the engineer executives of the authority visited the site of the project on 21.09.2021. during the inspection it has been observed that a real estate agent named "Transaction Point" having corporate address 227, Suncity Arcade, Suncity, Gurugram had placed canopies near the project site and on Dwarka Expressway for marketing of the aforesaid project. Further a sales office has been developed in this township and it has been observed that the real estate named "Transaction Point" is marketing the aforesaid project through this sales office itself. He agent is detailing about the project by showing marketing plan of "DDJAY Plotted Colony" and collecting the EOI along with booking amount from the public and same is placed on record.

The authority in exercise of its powers under section 35 of the Real Estate (Regulation and Development) Act, 2016 has taken suo motu cognizance of the alleged offence and the matter is registered as a suo motu complaint vide no. RERA-GRG-3987-2021 dated 29.09.2021 for non-registration of project under section 3 of Real Estate (Regulation and Development) Act, 2016 was issued to the promoter with an opportunity of hearing on 18.10.2021.

On 18.10.2021 the legal representative of the promoter requested for adjournment of 15 days. The matter was fixed for 15.11.2021.

On 15.11.2021 Shri Venkat Rao, Advocate and Sanjeev Tirthani appeared on behalf of the promoter. The LR of the promoter requested that the documents as mentioned by him after inspecting the file during proceedings be handed over to him to file reply of the promoter and similar request was made by Ms. Sakshi Digvijay (LR) on behalf of Transaction Point. Both matters be clubbed. As per their request two weeks' time is granted to them for filing reply and details of the bank account of the Transaction point/Vatika where the money have been got



deposited for the said project and under the guise of said project in the name of some project by the name Turning Point. The matter is adjourned to 20.12.2021 at 02:00 PM for a personal hearing.

On 20.12.2021, the matter is adjourned to 11.01.2023.

Whereas an application for registration of real estate affordable plotted colony namely "Aspiration" situated in sector-88B, Gurugram, Haryana was submitted by M/s Vatika. Ltd. before this Authority. At the time of registration proceedings of the project, it was pointed out that the suo-motu proceedings for non-registration under section 3(1) of the Haryana Real Estate (Regulatory and Development) Act, 2016 were pending with the authority. It was stated by the applicant on an affidavit that neither they have advertised nor sold any land/unit in this area sought to be registered. On the above facts the authority has registered the above-said project under section 5 of the RERA, Act 2016 vide Rc no. RC/REP/HARERA/GGM/655/387/2022/130 dated 23.12.2022.

It has come to the notice of the authority that two complaints bearing no. 7875 and 7876 of 2022, under Section 31 of the RERA Act, 2016, have been received in the authority on 23.12.2022. As per the complaint, the complainant on representations of M/s Vatika Ltd. had expressed interest in the project called Vatika Aspiration, Sector 88B Gurugram vide "expression of interest" dated 31.03.2022. The respondent M/s Vatika Limited assured the complainants that they had already taken all the necessary approvals from the concerned authority and departments to develop and complete the said project. Further, the respondent started raising illegal and arbitrary demands of money from the complainant. The complainant has paid an amount of Rs. 31,32,576/- towards the sale consideration of the said unit in the project. The respondent acknowledged the aforesaid expression of interest vide its acknowledgement letter dated 16.06.2022. The respondent has accepted more than 28% payment toward the sale consideration of the said plot without executing the agreement to sell as prescribed in the Act, 2016. It has further been alleged that a notice for termination dated 28.12.2022, for the above unit has been issued by the respondent and is placed on record.

From the above facts, it is proved that the project "Vatika Aspiration" in sector-88B, Gurugram, Haryana has already been marketed and sold



HARERA
GURUGRAM

**HARYANA REAL ESTATE REGULATORY
AUTHORITY GURUGRAM**

हरियाणा भूसंपदा विनियामक प्राधिकरण गुरुग्राम-

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

which prima facia appears that M/s Vatika Limited has made false representation and mislead the authority while obtaining the registration of the project called "Vatika Aspiration" in sec-88B, Gurugram.

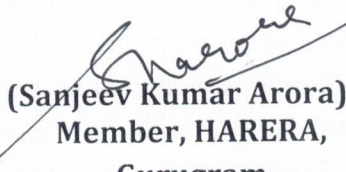
Further, the authority has issued a show cause notice for revocation of registration under section 7(1) of the Real estate (Regulation and Development) Act, 2016 vide notice no. RERA-GRG-572-2023 dated 03.02.2023 to the promoter. The matter is fixed for 20.02.2023.

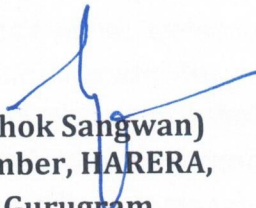

Prachi Singh
Planning Executive


Proceeding of the day dated 20.02.2023

Sh. Uma Shankar (Legal Consultant), Sh. Naveen Vashishth and Sh. Pankaj Chandola are present on behalf of the promoter.

A reply has been submitted by the promoter today. The same be examined and put up on file. The matter to come up on 27.02.2023.


(Sanjeev Kumar Arora)
Member, HARERA,
Gurugram


(Ashok Sangwan)
Member, HARERA,
Gurugram


(Vijay Kumar Goyal)
Member, HARERA,
Gurugram