

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.290 of 2024
Date of Decision: 02.04.2025

Surender Kumar son of Sh. Mohar Singh Yadav, resident of House No.21, Gali No.4, Block-H, Kunwar Singh Nagar, Nangloi, New Delhi-110041.

--Appellant/Allottee.

Versus

M/s GCC Infra (Global Heights 88A Project), P 903-905, C-Wing, 9th Floor, JMD Megapolis, Sector 48, Sohna Road, Gurugram, Haryana-122018.

....Respondent/Promoter.

CORAM:

Justice Rajan Gupta
Shri Rakesh Manocha

Chairman
Member(Technical)

Present: None for the appellant.

Mr. Vipul Sabharwal, Advocate,
for the respondent.

O R D E R:

Rajan Gupta, Chairman (Oral):

Present appeal is directed against order dated 03.04.2024 passed by the Authority at Gurugram. Operative part thereof reads as under:-

“15. On consideration of the documents available on record and submission made by both the parties, the authority is of the view that the complaint is liable to be dismissed as the complainants failed to prove the contraventions of the Act on the part of the respondent. There is no provision in the Act, 2016 and the Affordable Housing policy, 2013 which mandated the promoter to provide four wheeler parking space. Furthermore, the complainants rely on their relief on the brochure of the project wherein it contained information that four wheeler parking was available in the project. However, in the said brochure it was nowhere projected that the four wheeler parking was available with each unit. The

respondent has not promised the said four wheeler parking to the complainants neither it is in the agreement to sale nor in the allotment letter. Hence, the complaint is dismissed on the ground of being devoid merits.

16. The complaint stands disposed of.

17. File be consigned to registry.”

2. It has been stated in the grounds of appeal that allottees were promised four-wheeler parking but no steps were ever taken by the respondent-promoter in this direction. Attention of this Bench has also been drawn to information dated 15.09.2023 received from the office of SPIO-cum-Senior Town Planner Gurugram Circle, Gurugram, as per which, provisions were made for four wheeler parking in the layout plan of the project which including covered as well as open parking. The relevant information sent to the appellant vide memo no. STP (G)/2023/5809 dated 15.09.2025 is reproduced hereunder for ready reference:-

“With reference to subjected matter, it is intimated the RTI application received vide the notice under reference, has been examined and the information sought in RTI application is as under:

- 1. No registration no. for the License granted project is issued by the department, however, as telephonically enquired from your goodself License no is desired by you. As per record License No.77 of 2021, was granted vide DGTCP endst. No.LC-438/JE (DS)-2021/24915-930 dated 30.09.2021 for developing the Affordable Group Housing Project.*
- 2. License No.77 of 2021 has been granted for an area measuring 6.50 acres for setting up of Affordable Group Housing Colony.*
- 3. & 4. Copy of approved Layout Plan having the details of parking is enclosed. 631 Nos four wheeler parking has*

been proposed, which includes covered parking as well as open parking.

5. The information sought at this point is not part of this office record.

6. & 8. The affordable Group Housing Policy and its subsequent amendments is available on the department website www.tcp.gov.in. However, the same are sent herewith for ready reference.

7. License has been granted under the above mentioned policy. As per conditions of License, the License has to abide by the provisions given in the policy. Copy of License is enclosed.

DA/As above.

Sd/-

SPIO-cum-Senior Town Planner

Gurugram Circle, Gurugram”

3. Stand of the appellant in the present appeal is that the aforesaid approval granted by DTCP has not been considered by the Authority below. In view of this stand taken before us, we propose to remit the matter to the Authority for decision afresh after affording the opportunity to both the parties.

4. This proposal is not opposed by learned counsel for the respondent.

5. In view of above, we hereby set aside the order passed by the Authority and remit the matter to it for decision afresh after affording the opportunity to both the parties.

6. Parties are directed to appear before the Authority 09.05.2025.

7. Appeal is allowed in the aforesaid terms.

8. The Authority is directed to decide the matter as expeditiously as possible in any case not later than four months.

9. Copy of this order be communicated to the learned counsel for the parties, the Haryana Real Estate Regulatory Authority, Gurugram for compliance.

10. File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)

02.04.2025
Rajni

