

PROCEEDINGS OF THE DAY		24
Day and Date	Tuesday and 20.05.2025	
Complaint No.	CR/2085/2022 Case titled as Vatika Investor Welfare Association VS Vatika Limited	
Complainant	Vatika Investor Welfare Association	
Represented through	Shri Harshit Goyal Advocate	
Respondent	Vatika Limited	
Respondent Represented	S/Shri Venket Rao, Gunjan Kumar and Shivaditya Mukherjee Advocates	
Last date of hearing	11.03.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings-cum-order		
The complainant has filed a complaint on 19.05.2022 and the respondent has filed reply on 23.08.2023.		
The respondent has also moved an application for rejection of the complaint on 02.09.2022 and reply to the said application was filed by the complainant on 30.09.2022.		
The complainant is seeking the following relief:		
1. To revoke HARERA registration certificate no. 263 of 2018.		
2. To direct financial audit in respect of high street real estate project.		
3. To appoint local commissioner for site inspection of high street real estate project.		
4. To restrain respondent from unlawful and unilateral revision of building plan sanctioned by DTCP vide building plan sanction letter dated 16.02.2018.		
5. To impose exemplary penalty and penal proceedings under section 60 and section 63 upon respondent for violation of section 3,4,13,14 of the Act, 2016.		



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/2085/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

While filing a complaint the complainant also filed an application under section 36 of the Act, 2016 for violation of section 14 of the Act, 2016. By way of present application, the complainant is seeking relief to restrain the respondent from unlawful and unilateral revision of building plans of "High Street" without consent of allottees on following grounds:

- As per section 14 of the Act, 2016, the promoter shall develop and complete the proposed real estate project in accordance with sanctioned plans, layout plans and specification approved by competent authorities.
- However, in the present case, the promoter Vatika Limited is not adhering to the building plans of the "High Street" sanctioned by DTCP bearing memo no. ZP-664-A/AD (RA)/2018/6054 dated 16.02.2018.
- As per Email dated 08.03.2021, the respondent has admitted and informed allottees about the changes in building plans of "High Street".
- As per email dated 19.09.2020 the respondent has submitted "*we have commenced to redesigned the office block into a G+3 retail block*". The promoter hereby committed the action of redesigning without approval of allottees and DTCP.

Vide order dated 30.09.2022, the Authority Suo moto appointed a Local Commission to visit the site to ascertain the facts whether the promoter has illegally revised the building plans of the project 'High Street' in the nature of commercial colony without obtaining written consent of 2/3rd allottees as mentioned by the counsel for the complainant. The requisite report was submitted by the Local Commission on 24.01.2023 and it is concluded as follows:

*"Present site conditions clearly shows that respondent promoter is developing the captioned project site as **Commercial Colony** namely, V'Lante. Previously, the captioned project is registered in HRERA, Panchkula vide regd. No. 263 of 2017 as Real estate Project "High Street" (Phase 1) Area 14918.258 Sq. Mtrs. Plotted Colony situated in Sector 83, Village Shikhopur, Gurugram with regards License no. 113 of 2008 dtd. 01.06.2008 issued by DTCP Haryana. The Complainant has submitted the documents stating that initially the Respondent promoter company had sold out the commercial unit to them as per previous approved plan and recently respondent company has got changed the site plan without their consents (Copies attached as Annexed - G pg. 1-18). Regarding change of site plan the respondent promoter has not provided the requisite documents of consent of allottees till date even after issuance of notice. On*



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the issue to ascertain the facts whether the promoter has revised building plans of the project "High Street" was obtained by the builder without obtaining written consent of 2/3rd allottees and not following the due procedure as prescribed; the Local Commissioner is not in position to comment on it in absence of non-availability of the authenticated copies of consent letters of 2/3rd allottees."

The respondent has moved an application for dismissal of the complaint stating that the complainant association is not constituted by the buyers of the project in question, and thus is not pertaining to the project in question. Therefore, the association which has filed the present complaint has no locus standi to file the same and seek reliefs in the capacity of association of the said project. Furthermore, the respondent vide reply dated 23.08.2023 has submitted that the formation of the complainant association is already under challenge before the District Registrar of Firms & Societies, Gurugram and vide order dated 15.06.2023, has appointed Mr. G.R Kheterpal as Administrator-cum-Returning Officer of the complainant association to manage day to day affairs and conducting elections of the governing body of the association.

The complainant has filed reply to the aforesaid application dated 02.09.2022 on 30.09.2022 wherein it is submitted that the complainant association is a registered association bearing registration no. HR/018/2019/03601 issued by District Registrar, Societies and Firms, Gurugram. Each member of the said association is duly covered under the definition of 'allottee' under the Act and 13 allotment letters of the members of the association is attached with the complaint for the ready reference. Unlawful revision of the sanctioned plans of the real estate project 'High Street' without consent of the allottees by the respondent company is serious threat to the right of the allottees. The respondent has also submitted an application dated 05.10.2021 for approval of revised building plan of High Street before DTCP office.

The order passed by district registrar on 15.06.2023 was challenged by the complainant before the state registrar, Haryana. Vide order dated 22.09.2023 the state registrar, Haryana set aside the order of district registrar, Gurugram and further directed to decide the matter afresh.

In view of the above, the Authority dismisses the present complaint with liberty to the complainant association to approach the Authority in case of any grievance after the issue pending before the district registrar is finalised. Further, the planning branch is directed to initiate action under Section 7 & 3



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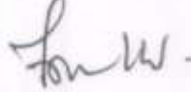
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of the Act, 2016 in view of the report of the local commission with respect to violations committed by the promoter.

Complaint stands disposed of accordingly. File be consigned to registry.

Ashok Sangwan
Member


Arun Kumar
Chairman
20.05.2025

V.1 
Vijay Kumar Goyal
Member