



PROCEEDINGS OF THE DAY		28
Day and Date	Tuesday and 20.05.2025	
Complaint No.	CR/3083/2022 Case titled as Vatika Investors Welfare Association VS Vatika One India Next Private Limited	
Complainant	Vatika Investors Welfare Association	
Represented through	Shri Harshit Goyal Advocate	
Respondent	Vatika One India Next Private Limited	
Respondent Represented through	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 has submitted that the respondent has submitted an application w.r.t migration on 06.01.2022 with DTCP, Haryana in respect of migration of 9.66 acres land of real estate project "Vatika One India Next" situated at Sector 82 A, Village Shikohpur, Tehsil Manesar, District Gurugram sanctioned against DTCP License no. 258 of 2007(6 acres) and DTCP license no 83 of 2011 (3.6 acres) to commercial plotted colony SCO on land measuring 9.66 acres in Sector 82 A, Village Shikohpur, Tehsil Manesar, District Gurugram. The complainant has also sent request letter dated 31.01.2022 to DTCP to not allow or permit unlawful migration application dated 06.01.2022 submitted by respondent. The respondent has also failed to migrate the existing allottees of the Vatika One India Next to Vatika Crossover. As per section 14 of the Act, 2016 and DTCP, Haryana Order dated 05.11.2020, the proposed project shall be developed and completed by the promoter in accordance with the sanctioned plans, layout plans and specifications as

approved by competent authorities and the promoter shall not make any other alterations or additions in the sanctioned plan, layout plans and specifications of the project without previous written consent of at least 2/3rd of the allottees other than the promoter who have agreed to take apartment in such buildings. The complainant has filed the present complaint seeking the following reliefs:

- To impose exemplary penalty upon respondent for non-registration of the real estate project "Vatika One India Next" and violation of section 3 of Act.
- To impose exemplary penalty upon respondent for unlawful migration of the real estate project "Vatika One India Next" in the nature of commercial colony to real estate project "Vatika Cross Over" in the nature of commercial plotted colony SCO without written consent of allottees and violation of section 14 of Act.
- To impose exemplary penalty and penal proceeding under section 60 and section 63 upon respondent for non-execution of builder buyer agreement and violation of section 13 of Act.
- To refrain and stay the respondent from advertising, marketing, booking selling, inviting persons to purchase units at the real estate project "Vatika Cross Over".

While filing a complaint the complainant also files an application under section 36 of the Act, 2016 to refrain and stay the respondent from advertising, marketing, booking, selling, inviting persons to purchase units at the real estate project "Vatika Cross Over" situated at Sector 82 A, Gurugram. The ground of stay application are as follow:

- Unlawful migration of the real estate project namely "Vatika One India Next" in the nature of commercial colony to the real estate project namely "Vatika Cross Over" in nature of commercial plotted colony SCO (violation of section 14)

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 migrated the project 'Vatika One India Next' in the nature of commercial colony to the project 'Vatika Cross Over' in the nature of commercial plotted 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 09.01.2023 and it is concluded as follows:



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. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

*"Present site conditions clearly shows that respondent promoter is developing the captioned project site as **Commercial Plotted Colony** namely Vatika Cross Over. In past the captioned project site was licensed as Vatika One India Next Commercial Colony vide license no. 258 of 2007 dated 18.11.2009 & 83 of 2011 dated 17.09.2011. Later, the respondent promoter got license 165 of 2022 dated 13.10.2022 for setting up of Commercial Plotted Colony on an area measuring 9.66 acres (after migration of area measuring 6.00 acres from license no. 258 of 2007 and 3.66 acres from license no. 83 of 2011) falling in the revenue estate of village Sikhopur, Sector 82A, Gurugram Manesar Urban Complex (Copy attached as Annexed - G, H and I). Regarding this migration, the respondent promoter has not provided the requisite documents of consent of allottees till date even after issuance of notice, although he has submitted the copies of public notices published in three different News Papers of 3 August 2022 i.e., JANSATTA (Hindi), The Indian Express (English) and Financial Express (Attached as Annexure *a*, *b* and *c*) for filing objections at their site office as well as in O/o Senior Town Planner, Sect-14, Gurugram, Haryana. On the issue to ascertain the facts whether the promoter has illegally migrated the project in absence of 2/3rd consent of allottees; 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 dated 02.09.2022 for rejection 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. It is further stated that the complainant association has failed to mention how all the members of the association are aggrieved as majority of the members have no interest involved in the said project. The respondent requested that complainant association may also be directed to disclose the list of their members and project in which they have their units. 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 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



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/3083/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

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 has a supporting allotment letter issued by the respondent company. The unlawful and arbitrary migration of the real estate project namely "Vatika One India Next" in the nature of commercial colony to the real estate project namely "Vatika Cross Over" in the nature of commercial plotted colony SCO without obtaining previous consent of 2/3rd allottees of Vatika One India Next in violation of section 14 of the Act is a serious threat to the rights of the allottees who members of the complainant association are. 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 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

Vijay Kumar Goyal
Member