

**BEFORE THE HARYANA REAL ESTATE REGULATORY AUTHORITY,
GURUGRAM**

Complaint no.: 5645 of 2022
Date of filing: 17.08.2022
Date of order: 19.08.2025

1. Surender Kumar
2. Kiran

Both R/o: - H-31, Kunwar Singh Nagar, Nangloi,
New Delhi.

Complainants

Versus

M/s GCC Infra.

Office address: - P-903-905, Sector-48,
GMD Megapolis, Gurugram-122018

Respondent

CORAM:

Shri Arun Kumar

Shri Ashok Sangwan

Chairman

Member

APPEARANCE:

Shri Surender Kumar (In person)

Ms. Sonali Joon (Advocate)

Complainant

Respondent

ORDER

1. The present complaint was filed by the complainant before this Authority on 17.08.2022. It was earlier disposed off by the Authority vide its order dated 03.04.2024 wherein the complaint was dismissed being devoid of merits. The relevant portion of the said order is reproduced below:

"15. On consideration of the documents available on record and submissions 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 on merits.**"

2. Aggrieved by the said order, the complainant approached the Hon'ble Haryana Real Estate Appellate Tribunal, Chandigarh, by filing Appeal No. 290 of 2024. The Hon'ble Appellate Tribunal, vide its order dated 02.04.2025, set aside the order passed by the Authority on 03.04.2024 and remitted back the matter to the Authority for a fresh decision. The relevant portion of the said order dated 03.04.2024 is reproduced below:

"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."**

3. Pursuant thereto, the complainant filed an application for restoration of the complaint on 06.05.2025, and fresh proceedings were taken up in compliance with the directions of the Hon'ble Appellate Tribunal.

A. Project and unit related details.

4. The particulars of the project, the details of sale consideration, the amount paid by the complainant(s), date of proposed handing over the possession, delay period, if any, have been detailed in the following tabular form:

Sr. No.	Particulars	Details
1.	Name of the project	Global Heights Sector-88A
2.	Area of project	6.50 acres
3.	Nature of the project	Affordable Housing
4.	DTCP License no.	77 Of 2021 dated 24.09.2021 valid upto

		23.09.2026
5.	RERA registered	Registration no. 7 of 2022 dated 01.02.2022 valid upto 23.09.2026
6.	Unit no.	T6-807, T-6, 8 th floor (page 9 of complaint)
7.	Unit area	645.065 sq. ft. and balcony area 100 sq. ft. along with 2 wheeler parking (page 9 of complaint)
7.	Allotment letter	07.05.2022 (page 9 of complaint)
8.	Date of execution of buyer's agreement	25.05.2022 (page 35 of complaint)

B. Facts of the complaint.

5. The complainant has made the following submissions in the complaint: -

- I. The complainant applied for allotment of the unit under PMAY in Affordable Housing scheme of Haryana Government in the project "Global Heights 88A" situated at Village-Harsaru, Sector-88A, Gurgaon. E-draw was held on 08.04.2022 but the complainant was unsuccessful and was placed in waiting list no. 23 in 3 BHK Type-B category of flats in the project.
- II. Later, on 07.05.2022, approximate one month later of the e-draw, the respondent allotted a unit to the complainant against cancellation of the said unit by the original allottee. The complainant was allotted flat no. T6-807 in Tower -6 to the complainant having carpet area of 645.065 Sq. Ft. and balcony area 100.030 Sq. Ft. in the project.
- III. On receiving the allotment letter on 07.05.2022, the complainant approached the respondent via e-mail to provide the four wheeler parking space as advertised in the brochure of the project. The respondent insisted the complainant to visit respondent's office to discuss about the allotment of four wheeler parking. The complainant/representative of complainant visited respondent's office on 11.05.2022 to discuss about the allotment of four wheeler parking space. During the discussion the dealing official Mr. Sishir, authorised representative of respondent unlawfully demanded an amount of

Rs.4,50,000/- stating that number of four wheeler parking units are limited but the number of applicants are very high and chances of getting four wheeler parking space is very low. Furthermore, it was also told by the respondent that the transaction will be in cash only and no receipt for the aforesaid amount will be issued by the respondent. The complainant showed the inability to pay the unlawful amount of Rs.4,50,000/- and emphasized to charge @5% of the total cost of the unit i.e. Rs.1,41,869/-.

- IV. Consequently, the respondent refused to register the option of complainant for allotment of four wheeler parking space pretending that four wheeler parking spaces is allotted on first come first serve basis and all the units of four wheeler parking have been sold.
- V. Later, the complainant got home loan from SBI. As the bank insisted to submit BBA for home loan approval, hence in constraints, complainant decided to move forward for the same under assurance from the respondent for revision in the cost of four wheeler parking space. Unfortunately, the respondent then became adamant and started pretending that all the four wheeler parking space was allotted on the first come first serve basis and no vacant space is available.
- VI. The system for allotment of four wheeler parking is not transparent. Neither the number of four wheeler parking units available for allotment is publically announced nor the list of successful allottees was ever published. The complainant requested the respondent through email to disclose the details but the respondent denied to disclose details citing the reason that it is the matter of promoter/builder's discretion and highly confidential business information that cannot be revealed to anyone.
- VII. The complainant is being deprived of the right to participate in the process of allotment of four wheeler parking space by the respondent. The allotment cost of flat is equal to all the applicants (original or waiting list) but the system

adopted by the respondent for allotment of four wheeler parking is discriminatory setting aside the Right to Equality of Individual incorporated in Constitution of India. All the applicants should get equal chance to participate in the process of allotment without creating any difference/category among the applicants. The present system of allotment of four wheeler parking by the respondent is against the natural justice leading to corruption.

VIII. Hence, this complaint and direct the respondent to allot four wheeler parking space charging @ 5% additional cost of aforesaid flat no. T6-806 i.e. Rs.1,41,869/-.

C. Relief sought by the complainant: -

6. The complainant has sought following relief(s).
- i. Direct the respondent to allot a four wheeler parking space charging @ 5% additional payment of the total cost of the flat.
 - ii. Direct the respondent to disclose total number of four wheeler parking units available for allotment.
 - iii. Direct the respondent to disclose the details of applicants with date & time of exercising option for allotment of four wheeler parking.
 - iv. Direct the respondent to provide full details with contact number of successful applicants those who have been allotted four wheeler parking space.
 - v. Direct the respondent to adopt transparent system of allotment of four wheeler parking.

D. Reply filed by the respondent

7. The respondent had contested the complaint on the following grounds:
- I. That there is no provision in the said act with regard to the four wheeler parking space, the complainants by way of the present complaint is seeking relief, which is beyond the scope and provisions of the RERA Act, 2016 and Rules.
 - II. Furthermore, the complainant failed to prove the contraventions and violation of the Act. The complainant has gone out of the scope of the Act and Affordable Housing Scheme, 2013 seeking relief to provide four wheeler parking space. Hence, the present complaint is liable to be dismissed on this sole ground.

- III. It is submitted that the allotment made to the complainant was done as per the due procedure and the complainant herein as such stepped into the shoes of the original allottee. However, it is submitted that the original allottee never made a request for the allotment of car parking space which was to be allotted on first come first serve basis as per the Affordable Housing Policy which binds the actions of the respondent herein in this regard.
- IV. It is submitted that the brochure of the respondent herein did contain information that four wheeler parking was available in the advertised project. However, nowhere in the said brochure did the respondent claim that four wheeler parking was available with each unit.
- V. The premises allotted to the complainants have already been provided with a two wheeler parking space after following the due process of law and that was never disputed by the complainant at early stage.
- VI. It is submitted that considering the fact that the number of car parking are limited, it is obvious that the request for allotment of the same cannot be considered for all applicants.
- VII. It is submitted that when the complainant was informed that the parking units were not available on account of prior applications, he did not apply for the same on his own accord. It is further submitted that till date the complainant has not submitted any application for allotment of four wheeler parking space in the project.
8. All other averments made in the complaint were denied in toto.
9. Copies of all the relevant documents have been filed and placed on the record. Their authenticity is not in dispute. Hence, the complaint can be decided on the basis of these undisputed documents and submission made by the parties.

E. Jurisdiction of the Authority

10. The Authority observes that it has territorial as well as subject matter jurisdiction to adjudicate the present complaint for the reasons given below.

E.1 Territorial jurisdiction

11. As per notification no. 1/92/2017-1TCP dated 14.12.2017 issued by Town and Country Planning Department, the jurisdiction of Real Estate Regulatory Authority, Gurugram shall be entire Gurugram District for all purpose with offices situated in Gurugram. In the present case, the project in question is situated within the planning area of Gurugram District. Therefore, this authority has complete territorial jurisdiction to deal with the present complaint.

E.II Subject matter jurisdiction

12. Section 11(4)(a) of the Act, 2016 provides that the promoter shall be responsible to the allottee as per agreement for sale. Section 11(4)(a) is reproduced as hereunder:

Section 11

.....

(4) The promoter shall-

(a) be responsible for all obligations, responsibilities and functions under the provisions of this Act or the rules and regulations made thereunder or to the allottees as per the agreement for sale, or to the association of allottees, as the case may be, till the conveyance of all the apartments, plots or buildings, as the case may be, to the allottees, or the common areas to the association of allottees or the competent authority, as the case may be;

13. So, in view of the provisions of the Act quoted above, the authority has complete jurisdiction to decide the complaint regarding non-compliance of obligations by the promoter leaving aside compensation which is to be decided by the adjudicating officer if pursued by the complainant at a later stage.

F. Findings on the relief sought by the complainant.

F.I. Direct the respondent to allot 4 wheeler parking space to the complainant.

F.II Direct the respondent to disclose the total number of 4 wheeler parking units available.

F.III Direct the respondent to disclose the details of applicants with date & time of exercising option for allotment of 4 wheeler parking.

F.IV Direct the respondent to adopt transparent system of allotment for 4 wheeler parking.

14. Herein, the complainant submissions are that he had applied for allotment of a unit in the respondents' project under the PMAY scheme through the e-draw held on 08.04.2022. Although initially unsuccessful, he was placed on waiting list no. 23 in the 3 BHK Type-B category. Subsequently, on 07.05.2022, the

complainant was allotted Flat No. T6-807 in Tower-6, admeasuring 645.065 sq. ft. of carpet area and 100.030 sq. ft. of balcony area, and through present complaint is seeking allotment of four-wheeler parking in the project.

15. It is observed from the order of the Hon'ble Appellate Tribunal that the complainant had contended that the approval granted by DTCP was not considered by the Authority while adjudicating the complaint earlier.

16. The Authority has gone through the DTCP report dated 15.09.2023, obtained by the complainant under the RTI Act. The relevant extracts of the said report are 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 DTCP 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 Licensee has to abide by the provisions given in the policy Copy of License is enclosed

17. The above report reflects that four wheeler parking were proposed in the approved layout plan. However, the Affordable Group Housing Policy, 2013 does not cast any mandatory obligation on the promoter to allot a four-wheeler parking to each individual allottee. Latest amendment dated 04.01.2021 in the said Policy 2013, is reproduced as under: -

4. The clause no. 4(iii) of the Affordable Housing Policy dated 19th August, 2013 related to parking norms shall be substituted with the following:-

"4(iii) Parking Norms:

a. Mandatory non-chargeable 0.5 ECS parking space

i. Mandatory parking space at the rate of half Equivalent Car Space (ECS) for each dwelling unit shall be provided.

- ii. Only one two-wheeler parking site shall be earmarked for each flat, which shall be allotted only to the flat-owners. The parking bay of two-wheelers shall be 0.8m x 2.5m unless otherwise specified in the zoning plan.
- iii. The balance available parking space, if any, beyond the allocated two-wheeler parking sites, can be earmarked as free-visitor-car-parking space.
- b. Optional and chargeable parking space at the rate of 0.5 ECS per dwelling unit.
 - i. **The colonizer may provide an additional and optional parking space, maximum to the extent of half Equivalent Car Space (ECS) per dwelling unit.**
 - ii. **In case such optional parking space is provided by the coloniser; maximum of one car parking space per dwelling unit can be allotted by the coloniser, at a rate not exceeding 5% of the cost of flat to such allottee.**
- c. Miscellaneous
 - i. In cases where licenses under AHP 2013 already stand granted and building plans stand approved without availing the optional 0.5 ECS per dwelling unit parking space, the coloniser shall be required to submit the consent of at least two thirds of the allottees as per the provisions of Section 14 of Real Estate (Regulation and Development) Act, 2016, for the purpose of amendment in building plans for availing such additional and optional 0.5 ECS per dwelling unit parking space. Further, this benefit shall not be available for the projects wherein occupation certificate of all the residential towers has already been obtained.
 - ii. Additional parking norms and parameters, if any, can be specified in the zoning plan."

18. The Authority has also considered the email correspondence dated 20.06.2022 placed on record, wherein the respondent informed that no unsold inventory is available with them. The relevant part of email dated 20.06.2022 is reiterated below:

*"This is in continuation of the below email wherein you have expressed your interest in four-wheeler parking for the project Global heights 88A. **However, the request for parkings were taken into consideration on first come first basis and at present we have no unsold inventory.***

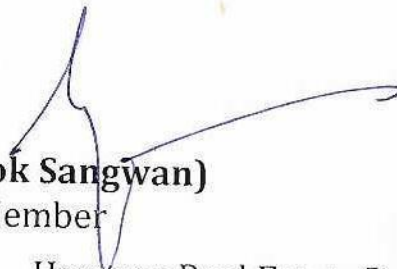
This was conveyed to you during your visit to our office also.

You may leave your request at office and we would consider your request against cancellation if any."

19. Furthermore, during proceedings dated 29.07.2025, the complainant submitted that he had applied to the respondent for allotment of a four-wheeler parking, but no allotment was made. He further claimed that he was informed by the respondent's office that GLS Consultants had been authorized to handle four-wheeler parking allotments. The respondent, however, denied these averments and submitted that no consultant or third party has been authorised for

allotment of four wheeler parking, and also no inventory of four wheeler parking is available with them.

20. On careful consideration of the documents on record and submissions made by the parties, the Authority is of the considered view that the complainant has failed to establish any legal or contractual entitlement for allotment of a four-wheeler parking space. Neither the agreement to sell nor the allotment letter contain any contractual obligation upon the respondent to provide four-wheeler parking. While the DTCP report dated 15.09.2023 shows that four wheeler parking spaces were proposed in the sanctioned layout plan, but it does not create an individual enforceable right in favour of allottee as the Affordable Group Housing Policy, 2013 does not mandate allotment of four-wheeler parking against each and every dwelling unit in the project. Moreover, the respondent has clearly apprised the complainant that no four-wheeler parking inventory is available with them.
21. Hence, the Authority cannot accede with the above sought relief in absence of any agreed terms as to allotment of four wheeler parking space between the parties. Accordingly, the Authority finds no merit in the complaint and the complaint stands dismissed being devoid of merits.
22. The complaint stands disposed of.
23. File be consigned to registry.



(Ashok Sangwan)
Member



(Arun Kumar)
Chairman

Haryana Real Estate Regulatory Authority, Gurugram

Dated: 19.08.2025