

IN THE HON'BLE NATIONAL GREEN TRIBUNAL AT NEW DELHI

In OA 648 OF 2023

Sunil Kumar Nigam.

...Applicant

Vs.

State of Haryana & Others

...Respondents

NDOH 14.08.2024

INDEX

S. No.	PARTICULARS	PAGE No.
1	<u>REJOINDER ON BEHALF OF THE APPLICANT TO REPLY OF RESPONDENT-8/ PROJECT PROIPONENT</u>	2-11
2	A-1, Show Cause notice issued by HARERA	12-21
3	A-2, Relevant pages of Brochure of Project	22-25
4	A-3, Relevant pages of a Conveyence Deed of Villa	26-29
5	A-4, DTCP policy dtd 28.01.2013 reg revision	30-31
6	A-5, Copy of Architect report reg Green Area	32-33
7	A-6, Approved Fire Plan AR-SP-03	34
8	A-7, Approved Zoning Plan of project	35
9	A-8, Pics of satellite imaging showing Green Area encroachment since 2017	36-39
10	Colly C-1, Public notices dated 14.03.2021, 21.07.2021, copy of some objections filed by other homebuyers in the project, STP report.	40-53
XX	XXXXXX	XXXX



**OBJECTIONS/REJOINDER ON BEHALF OF THE APPLICANT TO REPLY OF
RESPONDENT NO.8/PROJECT PROPONENT**

1. That the contents Para 1 of the reply is completely false and wrong, hence denied. It is submitted that the applicant has raised a substantial issue regarding the violation of Environmental laws and its implementation by the project proponent.

2. That the contents of Para 2 of the reply is completely false and wrong, hence denied. It is submitted that the report filed by the Joint Committee has not looked into the issues raised by the applicant. The contents of the report shows they prepared it mechanically without looking into the real facts. It is strange that the Joint Committee is completely silent on the EC conditions which is the foremost and vital document for any project. Rather Joint Committee took stand of supporting the project proponent indirectly due to the reasons best known to them. The applicant has strongly opposed both the reports and already filed the objections to the said report before this Hon'ble Tribunal. It is further submitted that even otherwise, it is admitted in the report that there have been deviations from the sanctioned plans and the District Town Planner enforcement has issued show cause notice to the project proponent for various violations.

3. That the contents of Para 3 of the reply is completely false and wrong, hence denied. It is submitted that the Project Proponent has violated the terms and conditions of the first and foremost document for any project i.e Environment Clearance

4. That the contents of the Para 4 of the reply denied for want of knowledge.

5. That the contents of Para 5 of the reply is admitted to the extent that the project proponent has earned unlawful gains by violating environmental laws and EC conditions. Rest of the Para is wrong and false, hence denied. It is submitted that the applicant has submitted enough documents to substantiate the claim. It is further submitted that HARERA Gurugram has issued a show cause notice dt.28.08.2020 to project proponent wherein the Ld HRERA Gurugram Authority has accused project

proponent on page 5 of show cause notice that he has oversold about 467,453 sq ft extra area and that **'Prima facie, this appears to be a criminal offence of cheating of more than Rupees 250 crores approximately....'**. It is further submitted that Project Proponent sold/allotted setback area behind the villas V-7 to V-21 and Town houses TH-1 to TH-14 by constructing private swimming pools and private lawns for exclusive use of the respective owners of villas and townhouses. The criminal intent of cheating by project proponent is very evident from the fact that project proponent lured innocent buyers by circulating impressive brochures showing private swimming pools (water bodies), rear lawns and other accessories on the backside of villas and town houses for exclusive use of respective owners BUT in the sanctioned plans, it was actually a setback area consisting of green area and open landscape. It is of grave importance to note that project proponent, while executing Conveying Deed for sale of villas and townhouses, actually exhibited rear lawns and swimming pool in the Ground Floor plan as a part of sold property. **The show cause notice is annexed as A-1, relevant part of brochure is A-2 and copy of relevant part of a conveyance deed is annexed as A-3**

6. That the contents of Para 6 of the reply is wrong and false.

7. That the contents of Para 7 of the reply is wrong and false, hence denied. It is submitted that the applicant has raised substantial issue regarding the compliance of the environmental laws and its violations. Grant of OC by DTCP does not absolve the project proponent of the illegalities and contravention of environmental laws. It is the grievance of applicant that the gross illegalities of this magnitude are being perpetrated with active connivance of concerned authorities like DTCP and others.

8. That the contents of Para 8 of the reply is wrong and false, hence denied. It is submitted that project proponent is a serial violator and facing litigation regarding several violation in different courts. It is submitted that as far as the Violation of Environmental laws is concerned this Hon'ble Tribunal is competent to adjudicate the same and in this regard the applicant has not approached any other judicial forum.

9. That the contents of Para 9 of the reply is wrong and false, hence denied.

10. That the contents of Para 10 of the reply is wrong and false, hence denied. It is submitted that the applicant has filed the present application without the assistance of any lawyer and sent the same through post. It is further submitted that the vide order dt.08.01.24, the Hon'ble Tribunal in Para 4 has clearly mentioned "Prima Facie the averments made in the application raises questions relating to environment arising out of the implementation of the enactments specified in Schedule I of the National Green Tribunal Act, 2010".

11. That the contents of Para 11 of the reply is wrong and false, hence denied. It is submitted that the project proponent is a serial violator due to which Respondent No.8 is facing litigation in several judicial forums. It is further submitted that the applicant has serious objection/reservation regarding the allegation of "blackmailing" and "illegal demands" used by project proponent. The Respondent No.8/Project Proponent cannot put such allegations without any proof as the same allegation is defamatory in nature. The project proponent is trying to malign the applicant because applicant has exposed his illegalities and cheating. It is submitted that applicant is a bonafide respectable citizen of this country, the said allegations are without any basis and engineered to malice, harass, mentally torture and create fear in the mind of applicant. Applicant paid his hard earned savings to purchase the flat in the project after seeing and going through their documents about the project and EC conditions. It is further submitted that applicant has paid his hard earned money in the project but the Project Proponent has cheated the applicant and hundreds of other similarly placed homebuyers by violating the terms and conditions of the project imposed by various agencies and compromised on the safety aspects of residence.

12. That the contents of Para 12 of the reply is wrong and false, hence denied. It is submitted that due to violations committed by the project proponent, various litigations are filed in different courts for different reasons intitated by different investors and the Resident Welfare association.

13. That the contents of Para 13 of the reply is wrong and false, hence denied.

14. That the contents of Para 14 of the reply is not denied to the extent which is matter of record. Rest of the para is wrong and false, hence denied. It is submitted that project is only for an area of 23.431 acres. The approved Zoning Plan of the project specifically mentions the area of the project as 23.431 acres (**Annexure A-7**). The adjoining area of 1.19 acre was never part of Windchants project and never discussed with existing homebuyers. Project Proponent has not obtained any consent from the existing owners of the flat/buyers. It is further submitted that Project Proponent is illegally trying to include the adjoining area in Windchant project to use green area requirement from the existing Windchants project. Project proponent is mischievously trying to claim the adjoining area of 1.19 acre as part of Windchants project and he should be liable to severe penalties for presenting wrong facts to this honourable court.

15. That the contents of the para 15 of the reply is completely false and wrong, hence denied.

16. That the contents of Para 16 of the reply is denied which is not the part of record.

17. That the contents of Para 17 of the reply is wrong and false, hence denied. It is submitted that whole project is only one Phase. It is further submitted that merely obtaining part OC's at different time intervals does not mean the project has 3 phases. It is further submitted that issue of 4th and 5th OC dated 09.03.2022 and 29.08.2022 are conditional subject to final outcome of writ petition no. 23526/2021 filed in Hon'ble Punjab and Haryana High Court by some other homeowners for contravention of RERA Act and violation of sanctioned plans.

18. That the contents of Para 18 of the reply is wrong and false, hence denied. It is submitted that majority of the homebuyers are unhappy with the project proponent due to various violations committed by the Project Proponent. The RWA has already filed several cases against the Project Proponent for various violations done by the project proponent.

19- That the contents of Para 19 of the reply is not denied to the extent which is matter of record. Rest of the para is wrong and false, hence denied. It is submitted

that obtaining OC does not absolve Project Proponent from illegalities done and violations of environmental laws. It is submitted that the Project Proponent encroached upon the Green Area and violated the EC conditions. It is further submitted that the main grievance of the applicant is that gross illegalities of this magnitude are being perpetrated by project proponent with the active connivance of the officials from the concerned departments.

20-23. That the contents of Para 20,21,22,23 pertains to the RWA. The applicant cannot comment upon the same as the applicant is not privy to the said developments and RWA has to answer these averments.

24. That the contents of Para 24 is admitted to the extent that applicant had approached the RERA, Gurugram in 2018-19. It is submitted that the project proponent was not delivering Flat as per the terms and conditions and due to this applicant was forced to approach RERA Gurugram for reliefs of Possession and delayed possession etc. It is submitted that the issue in the present application is related to violation of Environmental Laws and its Implementation and applicant has not filed any case in any other forum for these reliefs.

25. That the contents of Para 25 of the reply is wrong and false, hence denied. It is submitted that majority of the Home buyers are unhappy with the project and the violations committed by the project proponent. It is further submitted that even the RWA has already moved an application for impleading them in the present O.A.

26. That the content of the Para 26 of the reply is nothing to do with the issue before this Hon'ble Tribunal. It is submitted that the present Original Application is related to the violations committed by the project proponent in relations to Environmental Laws and the Non-compliance of the EC conditions during the course of project execution. Even otherwise, the present complaint was registered before the maintenance of project was allegedly taken over by RWA and therefore the project proponent alone is responsible for violations and illegalities.

27. That the contents of Para 27 of the reply is not denied to extent which is matter of record. Rest of the Para is wrong and false, hence denied.

28. That the contents of Para 28 of the reply is wrong and false, hence denied.

29. That the contents of Para 29 of the reply is wrong and false, hence denied. It is submitted that the issues raised by the applicant is related to Environmental laws and its violations for which this Hon'ble Tribunal has the jurisdiction to adjudicate the same.

30. That the contents of Para 30 of the reply is wrong and false, hence denied. Grant of OC does not absolve the project proponent of illegalities and violations of environmental laws. It rather shows the connivance of the project proponent with the Govt. Officials.

31. That the contents of Para 32 of the reply is completely wrong and false, hence denied. It is submitted that the applicant's grievance is that project proponent, in connivance with the officials of various agencies, including DTCP and Fire officials, has done all types of illegalities and violations of environmental laws.

32. i)(a-e) That the contents of Para 32 i(a-m) is not denied to the extent which is matter of record. Rest of the para is wrong and false, hence denied. It is submitted that the averments in these paras clearly shows the connivance of the project proponent with the officials of the various government agencies and their help to the project proponent to carry out the illegal activities. It is submitted that DTCP has a specific office order dated 22.04.2013 for constructing underground High speed Diesel Tank or Gas bank (already attached as Annexure D with objections to joint committee report) . Neither this policy was followed NOR the plans were revised by following due process. The grievance of applicant is that HSD tank and Gas Bank have been constructed with concretised structure protruding above ground level by encroaching on Green Area and setback area. This is a clear violation of EC condition as well as **DTCP policy no. Misc-2157/7/16/2006-2TCP dated 28.01.2013** which clearly stipulates that “ ***shifting of Open Space/Park/Play area/ Tot-Lots/ Green Belt, if any, earmarked within approved Site Plan of Group Housing colony shall not be allowed in any circumstance.*** “it is submitted that the applicant is agitating against the violation of Environmental laws and EC conditions.

It is submitted that in the report of Joint Committee also it is shown as deviation from the approved plans. It is submitted that the project proponent has not taken any consent from the home buyers and the Building Plans were also not revised. The EC condition was also not amended. It is submitted that the project proponent cannot reduce the green area which was stipulated in the Environmental Clearance. These violations and its approval, without following due process, from the authorities shows they are hand in glove. **The DTCP policy dated 28.01.2013 is attached as A-4**

32(I) (f-j) - The contents of para 32(I) (f-j) are denied. It is submitted that marking of deviation itself proves that sanctioned plans have been violated. The issuing of OC in contravention of EC conditions and DTCP policy does not absolve Project proponent of his illegal acts committed in connivance with DTCP officials. Further it is vehemently denied that majority of allottees do not have any objections to the HSD tank, Gas bank and other deviations. It is submitted that project proponent tried, unsuccessfully, to revise building plans by issuing public notice in national dailies on 14.03.2021. About 100 allottees filed objections and vehemently opposed the proposal to revise plans. The Senior Town Planner had a detailed meeting with homebuyers. In view of large scale objections, the project proponent decided to withdraw his proposal by issuing a fresh public notice on 21 July 2021.

The project proponent demolished 20 EWS built on Green area BUT all other violations of green area and environmental laws are still existing. The crux of the matter is that after withdrawal of public notice seeking revision of plans, the DTCP officials should have followed the sanctioned plans of 07.06.2012. But DTCP kept on issuing OCs and connived with project proponent to perpetrate illegalities. The irony of the situation is that both, the project proponent as well as DTCP office, deliberately did not share approved site plans of Green Area with applicant/ other homebuyers because it would expose their connivance and illegality. It is submitted that atleast 3850 sq metres of green area has been encroached by project proponent. **The copies of public notices dated 14.03.2021 and 21.07.2021, some of the objections filed by homebuyers and minutes of meeting prepared by STP are annexed as Colly C-1.**

32(I)(k-m) - The contents of para 32(I)(k-m) are admitted ONLY to the extent that 20 EWS units were demolished. Rest of the averments are denied. All other violations

still exist on project site. The project proponent is guilty of encroachment on green area. He has sold area earmarked as setback area and open landscape to villa and townhouse owners. The project proponent cannot reduce the green area of 30.03% (28471 sq met) as approved in EC conditions and sanctioned plans. It is submitted that neither DTCP nor Project proponent have disclosed the exact calculation of green area now existing in the project NOR are they sharing the OGR plan AR-SP-02 with applicant. This clearly indicates that they want to hide their illegalities. It is most pertinent to mention here that applicant, having failed to get required information from DTCP and project proponent, engaged an independent architect who has certified that about 4000 sq mtr of green area has been encroached by project proponent. **Copy of Architect Report is annexed as A-5.**

32- ii (a-f) That the contents of the Para 32(ii)(a-f) is wrong and false, hence denied. It is submitted that the project proponent instead of addressing the real issue raised by the applicant want to divert it to the dispute between project proponent and the RWA regarding maintenance of society. It is submitted that as per the EC the project proponent has to build an STP having a capacity of 475 KLD. But instead of the 475 KLD project proponent has built an STP having Capacity of 460KLD meaning thereby there is a shortage of 15 KLD to the capacity. This fact has been admitted on oath by Project proponent in his reply filed in the Court of Ld.Civil Judge, Gurugram, Haryana (**filed as Annexure G with objections to Joint Committee report**) . The under capacity STP is a violation of EC conditions and it is bound to create problems and hazards when full occupancy is achieved in the project. It is pertinent to mention that the present complaint was filed before the alleged takeover of maintenance by the RWA and therefore project promoter cannot be absolved of his legal obligations.

32(iii) - The contents of para 32(iii) are not denied to the extent which is part of record. Rest of the para is wrong and false denied. It is submitted that Environmental clearance has got expired.

32(iv)- That the contents of Para 32 iv of the reply is not denied to the extent which is part of record. Rest of the para is wrong and false, hence denied. It is submitted that project proponent constructed more than permissible FAR and reduced the

proposed green area as per EC and sanctioned plans. In spite of serious violations the project proponent obtained the OC which shows the connivance of the project proponent and the officials.

32(v) That the contents of Para 32 v of the reply is wrong and false, hence denied. It is submitted there is shortage of 99 parking slots as per the EC conditions. Parking under still not provided at all.

32(vi) That the contents of Para 32 vi of the reply is not denied to the extent which is part of record. Rest of the para is wrong and false, hence denied. It is submitted that the violation of Circulation road itself shows the connivance of the Fire department officials and the project Proponent. In spite of the violations the Fire department issued NOC to the project Proponent. It is further submitted that the project proponent has sold the set back area to Villa Owners. Although District Town Planner is aware about it, they did not take any action. Rather to help the project proponent issued a very ambiguous show cause notice which is addressed to Project proponent and to whomsoever it may concern which shows the connivance of the Project Proponent and officials. The approved **Zoning Plan** clearly shows that setback area has been encroached. The **Fire plan AR-SP-03** clearly demonstrates that circulation roads have been altered and the HSD tank and Gas bank are NOT APPROVED, as wrongly claimed by fire department. It is further submitted that **satellite images** of sites taken at different time intervals, by using historical images, between 2017 and 2024 clearly prove that violations of green area, EC and sanctioned plans were existing right from the time of issue of first OC and still DTCP and fire department kept on helping the project proponent by issuing OCs and Fire NOCs. **The approved fire plan AR-SP-03 is annexed as A-6, Approved Zoning Plan is attached as A-7. The satellite images of project site are annexed as A-8.**

32(vii) That the contents of para 32 vii of the reply is not denied to the extent which is part of record. Rest of the para is false and denied.

32(viii) That the contents of para 32 viii of the reply is not denied to the extent which is part of record. Rest of the para is false and denied.

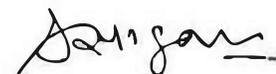
32(ix) That the contents of para 32 ix of the reply is not denied to the extent which is part of record. Rest of the para is false and denied.

32(x) That the contents of para 32 x of the reply is not denied to the extent which is part of record. Rest of the para is false and denied. It is submitted project proponent issued a public notice for Revision of plan on 14 March 2021 but withdrew the same by issuing another public notice on 21 July 2021 after about 100 Objections from homebuyers. Hence all the deviations are in violation of sanctioned plans and EC conditions and are liable to be demolished/ removed.

32(xi) That the contents of para 32 xi of the reply is not denied to the extent which is part of record. Rest of the para is false and denied. It is submitted that Setback area is part of the green area and open landscape. Project proponent has sold the same to the Villa owners and Town house owners with the connivance of the govt. Officials.

32(xii) That the contents of para 32 xii of the reply is false and wrong , hence denied. It is submitted that the respondent no.8/project proponent instead addressing the environmental violations and EC conditions trying to divert the issue to other problems which the project proponent and the RWA are locked horns.

It is therefore humbly prayed to this Hon'ble Tribunal to reject the prayer clause of the Respondent No.8/Project Proponent and allow the application of the applicant



Sunil Kumar Nigam

Applicant

Through Gigi C George

Advocate

Chamber 457,Block-1,

Delhi High Court

M-9810625315;Gigicgeorge.adv42@yahoo.in



HARER
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

Complaint No. 530 of 2018

Dated: 28.08.2020

From

The Haryana Real Estate Regulatory Authority, New PWD Rest House, Civil Lines, Gurugram

To

M/s Experion Developers Pvt Ltd, Plot No. 18, 2nd Floor, Institutional Area, Sector 32, Gurugram, Haryana 122001

Sub: Complaint against M/s Experion Developers Pvt Ltd by the allottee (Sunil Kumar) regarding charging of extra consideration amount on the pretext of super area beyond the total FAR area recorded by the DTCP, Haryana in occupation certificate issued vide memo no. ZP-595/SD(BS)/2017/31249 dated 06.12.2017 in respect of the project namely "Windchants" in sector 112, Gurugram.

Kindly refer to the subject cited above.

1. Reference to the real estate project as per detail given below: -

a. Name of the project	Windchants (Tower 7) (As per OC Tower 1)
b. Location of the project	Sector- 112
c. Unit no	WT07 - 1004
d. Nature of the project	Group Housing Colony
e. Name of the promoter	Experion Developers Pvt Ltd
f. Address of the promoter	Plot No. 18, 2nd Floor, Institutional Area, Sector 32, Gurugram, Haryana 122001
g. e-mail address for communication	suneet.puri@experion.net.in

2. As per the records of the authority, Shri Sunil Kumar R/o F3, Type 5B, HUDCO Place, New Delhi had booked a flat no. WT07-1004 measuring an super area 2275 sq. ft. on dated 08.06.2012 against a total consideration amount Rs.16322972/-, had filed a complaint no. 530/2018 concerning the following major issues.

a. The interest cost being demanded by the respondent/developer is higher i.e.18% which is unjustified and not reasonable.



- b. That flat shown at the time of selling was 2275 Sq. Ft while at the time of possession it became 2441 Sq. Ft and respondent/developer failed to provide the evidence of increase in area.
3. The said complaint was heard by the authority on 25.10.2018 wherein your advocate Shri Dheeraj Kapoor was also present. Ongoing through the arguments put forward by the complainant and the respondent as well as the reply along with relevant documents submitted by both the parties and this authority issued following directions:
- a. *The respondent is duty bound to pay the interest at the prescribed rate i.e. 10.45% for every month of delay from the due date of possession i.e. 27.12.2016 till the date of offer of possession i.e. 08.12.2017 after adjusting compensation amount of Rs. 1,73,311/- which was given as per agreement.*
- b. *A committee consisting of authorized representative of the builder/respondent, complainant and one representative of the authority, namely, Mr. Sumit shall be constituted to examine the issue of actual measurement are being offered to the complainant on the spot and sort out the matter.*
- c. *Complainant shall make payment for extra super area on actual rate basis.*
- d. *Complainant shall be accountable for late payment on account of increased super area along with interest at the rate of 10.45% only.*
4. The committee constituted by the authority to examine the issue of actual measurement, being offered to the complainant on the spot. The committee submitted its report on 16 Jan'2019, however after review of the report submitted by the local commissioner, the authority was not satisfied and felt a need of detailed inquiry in the matter.
5. Meanwhile, the complainant has filed some additional information alleging serious violations by the respondent, irregularities and unfair practices.
6. Since the issue raised by the complainant Mr. Sunil Kumar is very serious in nature. Therefore, this authority has further examined the legal provisions concerning FAR, covered area, carpet area, sale area, common area etc. as defined in Haryana Building Code 2017, Real Estate (Regulation and Development) Act, 2016, Haryana Apartment Ownership Act, 1983, Functions and Policies of town planning department notified by the department regarding saleable area and permissible and achieved FAR in the Occupation Certificate. The authority took note of the following technical violations -



A. Sale Area/ Carpet Area -

In the original application form and the builder buyer agreement, you have used the term 'Sale Area' which is arbitrarily defined. It has also been observed that you have changed the definition of the "Sale area' from original application letter to your advantage in the builder buyer agreement. In the application form/allotment letter dated 08/06/2012 the 'Sale Area' has been defined as -

"Sale Area is the area of the apartment and the proportionate divided share of relevant areas for the common use, enjoyment & access of the occupants of all the apartment at the project level which is necessary for the functional operation of all the apartments and its occupants as may also be provided for in the declaration"

But, at the time of signing the builder buyer agreement, the same has been changed as -

"Sale Area" shall include the covered area, inclusive of areas enclosed by the periphery walls, balconies/decks, area under the columns and walls, half of the area of walls common with other premises, cupboards, projections/ledges, area utilized for the common services and facilities provided viz. areas in/under staircases, circulation areas walls, atriums, stilts, lift shafts and lobbies, lift machine rooms, service shafts passages/corridors, refuge areas, common washrooms/toilets, mail rooms, all electrical plumbing and fire shafts, community facilities, common service rooms, security rooms sewage treatment plants, underground and overhead water storage tanks, DG/panel room, terrace gardens, air handling units, pantries and any other areas which have been paid for or are constructed by the Company for common use but shall exclude the areas under the following

a) Sites for retail shops and other commercial areas in the Project

- b) Amenities such as schools, medical centre / dispensary, crèche, other health centers and the like.
- c) Dwelling units for the Economically Weaker Sections as prescribed under Applicable Laws.
- d) Car Parking Spaces”

Therefore, after signing up BBA with the allottees, you have changed the conditions to your advantage.

As per the definition of covered area under 1.2 (xxviii) code of Haryana Building Code, 2017 which is reproduced as under:

“covered area” means the area covered immediately above the plinth level by the building but does not include the space covered by

- a) soak pit, rainwater harvesting tank, sewage treatment plant, swimming pool (uncovered);
- b) cantilevered porch (without any storey above) and areas covered by canopy and portico, open staircases for fire escape;
- c) area under solar panel, service floor and service shaft, atrium;

Irrespective, both of the above explanations fail to use the correct method of calculating cost of a unit, that is to be based on “Carpet area”, which has been clearly encapsulated in the Real Estate (Regulation and Development) Act, 2016 act which is reproduced below.

“carpet area means the net usable floor area of an apartment, excluding the area covered by the external walls, areas under services shafts, exclusive balcony or verandah area and exclusive open terrace area, but includes the area covered by the internal partition walls of the apartment. Explanation. For the purpose of this clause, the expression exclusive balcony or verandah area means the area of the balcony or verandah, as the case may be, which is appurtenant to the net usable floor area of an apartment, meant for the exclusive use of the allottee and exclusive open terrace area means the area of open terrace which is appurtenant to the net usable floor area of an apartment, meant for the exclusive use of the allottee”



You have used "Sale Area" to calculate the price of a unit. Whereas as per the Real Estate (Regulation and Development) Act, 2016, carpet area is to be used for the same. Since, as per provisions of Real Estate (Regulation and Development) Act 2016, only carpet area is to be counted in total sale consideration. Therefore, the additional super area cannot be counted by yourself in the total sale consideration amount of the flat.

B. Flouting of Terms already agreed in (LC IV and LC IVA) dated 08 Feb 2008 & 07 April 2012

It has been observed that while computing the Sale Area, you have included areas like community building, which is in gross violation of the bilateral agreements LC IV and LC IVA signed by you with the DTCP, Haryana where you have agreed to comply upon the Haryana Apartment Ownership Act, 1983 & other applicable bye laws.

As per Clause 1c of Bilateral Agreement LC-IVA, dated 07 April 2012, it was specifically provided *"That the owner shall at his own cost construct or get constructed by any other institution or individual at its own cost schools, hospitals, community centers and other community buildings on the land set apart for this purpose"* It was further provided in clause 1e *"...that the owner shall not recover any amount whatsoever on account of internal community building from the flats/plot holders..."*

In gross violations of above terms, you have not only added the area of community building etc. in the chargeable sale area but have also charged Rs 3,061,80/- per unit under the guise of Community Building Furnishing Charges (CBFC) and Community Building Security Deposit (CBSD) from the complainant.

C. Overall sale of higher FAR than approved by DTCP as per occupation certificate

Whereas you have failed to provide the breakup of the area of the apartment including the proportionate common areas, information has been compiled based on FAR achieved in various towers as per part occupation certificate issued by DTCP and the "Sale Area" claimed by you for specific units. It has come to light that you have sold more areas than you have actually built.

Furthermore, as per information collected from the part OC's issued by DTCP for the 460 units across 7 high rise towers, the achieved FAR is 1278153.89 sq. ft., while the total sale area allegedly claimed by you on these 460 units (as per your website - Sheet attached) is about 1653422.00 sq. ft. Thus, there is an unexplained discrepancy and you have allegedly sold about 375,268 sq. ft more than what is actually approved in the OC by DTCP and for which no clarification has been given. Extrapolating these figures to the total number of 573 units in the Group Housing Colony, the total estimated discrepancy is about 4,67,453 sq. ft. Prima Facie, this appears to be a criminal offence of cheating of more than Rs 250 crore approximately. Comparative chart of the area sold by the builder and FAR approved by DTCP and the details of area/FAR mentioned in Occupancy certificates are as under -

Area sold/to be sold by the builder as per their website						
A	B	C	D	G	H	
Tower No.	Floor no.	Unit Type	Total Units	Sale Area	Total Sale	
Original				per unit	Area (Dxl)	
				Sq. Ft	Sq. Ft	
T3,7	G+27	2BHK	54	2441.00	131814.00	Sourced from Experion's official website
T3,7	G+27	3BHK	166	2802.00	465132.00	
T1,2,4,5,6	4	3BHK	5	3638.00	18190.00	
T1,2,4,5,6	8,17	3BHK	10	3647.00	36470.00	
T1,2,4,5,6	12,21	3BHK	10	3685.00	36850.00	
T1,2,4,5,6	1,2,3,5,6	3BHK	25	3716.00	92900.00	
T4	7,9,10,15,16,22,23,24	3BHK	8	3725.00	29800.00	



T1,2,5,6	7,9,10,15,16	3BHK	20	3725.00	74500.00
T1,2,4,5,6	11,14,18,19,20	3BHK	25	3763.00	94075.00
T1,2,5,6	22,23,24	3BHK	12	3963.00	47556.00
T1,2,4,5,6	4	4BHK	5	4730.00	23650.00
T1,2,4,5,6	8,17,12,21	4BHK	20	4739.00	94780.00
T1,2,4,5,6	9,10,15,16,22,23,24	4BHK	35	4739.00	165865.00
T1,2,4,5,6	1,2,3,5,6	4BHK	25	4848.00	121200.00
T1,2,4,5,6	7,11,14,18,19,20	4BHK	30	4857.00	145710.00
T1,2,4,5,6	Penthouse 2 levels	4BHK PH	5	6471.00	32355.00
T1,2,4,5,6	Penthouse 2 levels	5BHK PH	5	8515.00	42575.00
Grand Total		Units	460	Sale Area	1653422.00

NA

FAR AS PER OC issued by DTCP FOR 7 TOWERS (460 UNITS)

TOWER NO.	TOTAL UNITS	SANCTIONED	ACHIEVED			
ORIGINAL	in each tower	FAR (SQ MTR)	FAR (SQ MTR)			
T-7	110	20601	21036	Issued viz OC on 06/12 2017		
T-6	48	15137	15343	Issued viz OC on 24/02/2018		
T-5	48	15137	15343	Issued viz OC on 06/12 2017		
T-4	48	15137	15343	Issued viz OC on 06/12 2017		
T-3	110	20601	21036	Issued viz OC on 23/07/2018		
T-2	48	15137	15343	Issued viz OC on 23/07/2018		
T-1	48	15137	15343	Issued viz OC on 24/02/2018		
GRAND TOTAL	460	116887	118788			
	FAR in Sq. Ft	1257703	1278154			



On the basis of above comparative statements the difference between achieved FAR area comes to 375269 sq. Ft and if we extrapolate the figures of total 573 units then total difference will come to 4,67,450 sq. Ft approx.

NOTES-
DIFFERENCE of TOTAL SALE AREA AND ACHIEVED FAR (Sq. Ft)
Details of 7 towers only, as the details of other towers are awaited
Villas, Duplex, Simplex in low rise not included- Can be added as and when information is available
RERA AREA and SALE AREA figures taken from Builder's website and presentation www.windchants.in
If we extrapolate the figures of total units (about 573) total difference will be about 4,67,450 sq. ft

D. Car Parking

It has also been alleged that you have charged Rs 8,24,720 to the complainant for two car parking slots in the basement which is against the Real Estate (Regulation and development) Rules and as per the Haryana Building Code, 2017 and occupation certificate, basement is free of FAR and parking cannot be saleable. Also, according to your definition of saleable area, car parking space is not part of saleable area which violates the legal terms of your builder buyer agreement.

E. Other Charges

You are also charging the swimming pool, terrace garden, skywalk etc which is neither covered area nor included in the FAR. Hence, you cannot charge these facilities from the allottees.

7. After detailed examination of all technical parameters referred as above, the authority has observed as under:
 - a. The agreements signed (LC IV and LC IVA) by you on 08 Feb 2008 & 07 Apr 2012 are subject to specified terms and conditions including the terms of bilateral agreements. Any violation of the terms of License and the bilateral



- agreements will attract civil and criminal action as per law including cancellation and revocation of license.
- b. The building plan in respect of any group housing colony/commercial colony contain the area details under each tower in the project as well as the ground coverage, basement area, stilt area, service area, the common area within the tower for exclusive use of allottees of such tower. In a specific tower, the common area consists of lift lobby, lift area, staircase area, ventilation shaft having area less than 3 sq. m. etc.
 - c. In the project as a whole, the common area shall consist of common area in the individual towers apart from the circulation area, park and open spaces, community buildings, electric substation, STP area, underground water tank, overhead water tank, solid waste management plant, covered area for watch staff, electrical panels and meters, convenient shopping, basement, stilt area service area etc. hence these can not be charged to the allottees and should be transferred to the association of the allottees
 - d. As provided under section 17 of RERA Act, 2016, the carpet area of flat/unit is to be transferred by the promoter to the allottee and the common area including community facilities/buildings are to be handed over to the association of allottees or to the competent authority as the case may. As such the promoter is not entitled to sell the built-up area over and above permitted FAR which is to be charged on carpet area basis.
 - e. You have not provided detailed breakdown of the flat area namely RERA Carpet area, Balcony area, Common area within the tower with details of each component & Common area outside the tower with details of each components. This data in tabulated form has to be provided to the authority to be able to define the correct Chargeable area. (all three area terms 1939.03 Sq. Ft quote on your website, 2275 Sq. Ft quoted in the Builder buyer agreement & 2441 Sq. Ft sought by you at the time of possession)

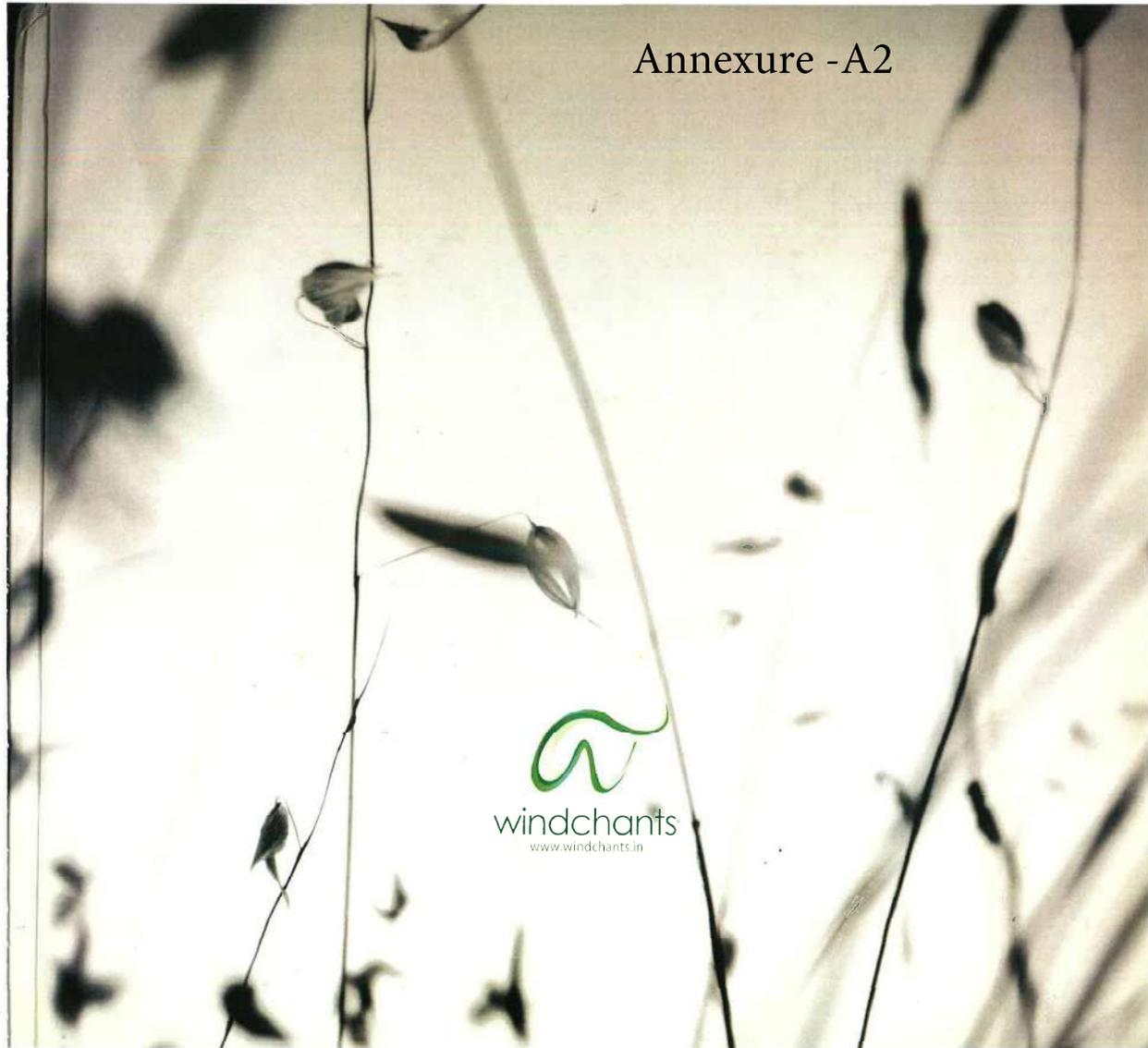
8. The complainant has been asked by the promoter to pay for the increased area of 2441 Sq. ft against the flat WT07 - 1004 whereas the area of the same flat has been shown as 1939.03 Sq. ft by the promoter on their website www.windchants.in.

After taking into consideration all of the above facts, it has been noticed by this authority that the area being charged by you from the complainant is different from the area shown on your website for the category of flat allotted to the complainant. Hence before taking final decision in the matter, the authority has decided to issue a show cause notice calling upon you to submit the reply by 07.09.2020 positively. In case you want to say something in this regard then you may appear before the authority on 08.09.2020 at 12.00 P.M in the office of HARERA, Gurugram at the conference room, new PWD Rest House, Civil Lines, Gurugram, Haryana failing which it will be presumed that you have nothing to say in this regard and apart from passing the orders in favour of the complainant, penal proceedings shall be initiated against you under section 61 of Real Estate (Regulation and Development) Act, 2016 for the violation of section 14 of the Act *ibid*.

O/c *Ranbir Singh*
 Executive Admin-Estt.

For Haryana Real Estate Regulatory
 Authority, Gurugram

yzoh





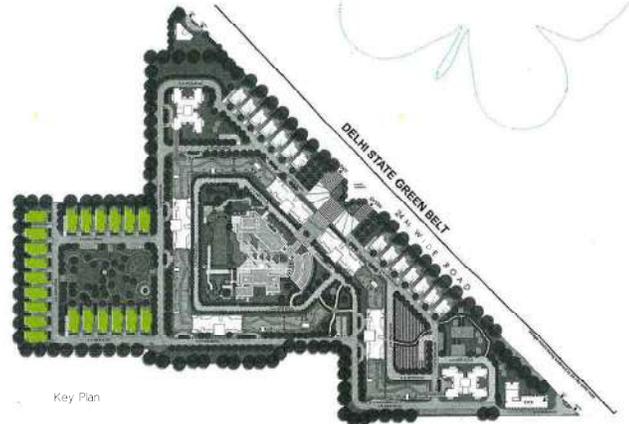
All the images are artistic impressions/conceptualizations and do not purport to replicate the exact product (s) and subject to be changed without prior notice.



Whispering Willows

The world is your oyster and even more when you luxuriate at Whispering Willows. Nestled along a column of willows, these ultra-luxurious villas offer you the epitome of privacy and tranquility. Each villa comes complete with its front and rear lawns, two terrace gardens and water bodies. So you may entertain your friends on the terrace or give yourself a cool respite in the summers.

- Spread over G+2 floors and a lower level
- Spacious 5 bedroom villas with 3 convenient personal car parks
- Two expansive master bedrooms
- Expansive family and dining rooms
- Utility rooms and storage spaces



Key Plan

S
to
at
d
d
al
s
s
s
e



All the images are artistic renderings/conceptualizations and do not purport to replicate the exact product(s) and subject to be changed without prior notice.



325

Non Judicial

**Indian-Non Judicial Stamp
Haryana Government**

Date : 22/09/2022

Certificate No. G0V2022I1849

GRN No. 93867451

Stamp Duty Paid : ₹ 2114900
(Rs. Only)

Penalty : ₹ 0
(Rs. Zero Only)

Seller / First Party Detail

Name: Experion Developers Pvt Ltd
H.No/Floor: F9/1st Sector/Ward: 10 LandMark: Manish plaza 1 plot 7 mlu
City/Village: Dwarka District: New delhi State: Delhi
Phone: 98*****96

Buyer / Second Party Detail

Name : Krishan Pal Singh rana etc
H.No/Floor: F30 Sector/Ward: 7 LandMark: Plot no 7 brahma apartment
City/Village: Dwarka District: South west delhi State: Delhi
Phone : 98*****96

Purpose : CONVEYANCE DEED

7744
27/9/2022

The authenticity of this document can be verified by scanning this QR Code Through smart phone or on the website <https://egrashry.nic.in>

SEAL OF
GURUGRAM
REGISTRAR

Unit/Apartment No.	:	Townhouse No. WP/06
Village/City Code	:	Sector-112, Chauma, Gurgaon
Segment/Block Code	:	WINDCHANTS
Carpet Area	:	431.89 Sq. Mtrs. (4648.86 Sq. Ft.)
Consideration Value	:	Rs. 6,02,46,742/-
Stamp Duty	:	Rs. 36,14,900/-
Stamp Duty No./Date	:	Rs. 21,14,900/- G0V2022I1849/22-Sep-2022 Rs. 15,00,000/- G0272022I714/27-Sep-2022
Stamp Issued By	:	E-Stamping, Haryana
MCG Property ID	:	301C1UN1284P93

CONVEYANCE DEED

This Conveyance Deed is executed at Gurugram on this 27 day of Sep 2022 ("Conveyance Deed")

BY AND BETWEEN

(Handwritten signature)

(Handwritten signature)

326

प्रलेख क्र.:7744

मुद्रण दिनांक 27/09/2022 04:33 PM

पंजीकरण दिनांक:27-09-2022

वसीका संबंधी विवरण

वसीका का नाम CONVEYANCE URBAN AREA WITHIN MC

तहसील/सब-तहसील- गुरुग्राम

गाव/शहर- हुड्डा के सेक्टर

स्थित- Sectors Sec 104 to 106, 109 to 115

शहरी - न्युनिसिपल क्षेत्र सीमा के अन्दर

पंजीकृत कॉलोनी

पता- WP/06, Windchants Sector-112, Gurugram

पत्र संबंधी विवरण

राशि- 60246744 रुपये

कुल स्टाम्प शुल्क- 3614804 रुपये

स्टाम्प नं- GOV2022I1849

स्टाम्प का मूल्य- 2114900 रुपये

रजिस्ट्रेशन फीस- 50000 रुपये

EChallan:94755569

पेस्टिंग शुल्क- 3 रुपये

डेफिशियेंसी स्टाम्प: G0272022I714

डेफिशियेंसी Grnno: 94497404

डेफिशियेंसी शुल्क: 1500000

द्वारा तैयार किया गया- NIHAL SINGH DHARIWAL ADV

सेवा शुल्क- 200

भूमि का विवरण

निवासीय

4648.86 Sq. Feet

स्थानीय शहरी निकाय संबंधी विवरण

प्रॉपर्टी आईडी- 301CIUNI284P93

प्रॉपर्टी नं- 06

मालिक- Experion Developers Pvt Ltd

पता- WP/06, Windchants Sector-112, Gurugram

यह प्रलेख आज दिनांक 27-09-2022 दिन मंगलवार समय 4:31:00 PM बजे श्री/श्रीमती/कुमारी EXPERION DEVELOPERS PVT LTD thru ABHISHEK SHARMA OTHER निवास ND द्वारा पंजीकरण हेतु प्रस्तुत किया गया।

हस्ताक्षर प्रस्तुतकर्ता
EXPERION DEVELOPERS PVT LTD

उप/संयुक्त पंजीयन अधिकारी (गुरुग्राम)

प्रलेख में वर्णित क्षेत्र नगर एवं ग्रामीण आयोजना विभाग के अधिनियम 1975 की धारा 7-ए के अंतर्गत अधिसूचित है इसलिए दस्तावेज को पंजीकृत करने से पूर्व संबंधित विभाग से अनापत्ति प्रमाण पत्र प्राप्त कर लिया गया है

या

प्रलेख में वर्णित क्षेत्र नगर एवं ग्रामीण आयोजना विभाग के अधिनियम 1975 की धारा 7-ए के अंतर्गत अधिसूचित नहीं है इसलिए दस्तावेज को पंजीकृत करने से पूर्व संबंधित विभाग से अनापत्ति प्रमाण पत्र की आवश्यकता नहीं है।

दिनांक 27-09-2022

उप/संयुक्त पंजीयन अधिकारी

(गुरुग्राम)

EXPERION DEVELOPERS PVT LTD

उपरोक्त क्रेता व श्री/श्रीमती/कुमारी KRISHAN PAL SINGH RANA पुत्र JAGAT SINGH POONAM RANA पत्नी KRSHAN PAL SINGH RANA हाजिर है। प्रस्तुत प्रलेख के तथ्यों को दोनों पक्षों ने सुनकर तथा समझकर स्वीकार किया। प्रलेख के अनुसार 0 रुपये की राशि क्रेता ने मेरे समक्ष विक्रेता को अदा की तथा प्रलेख में वर्णित अग्रिम अदा की गई राशि के लेन देन को स्वीकार किया। दोनों पक्षों की पहचान श्री/श्रीमती/कुमारी S C ARORA पिता — निवासी ADV GGM व श्री/श्रीमती/कुमारी M K CHAUHAN पिता — निवासी ADV GGM ने की। साक्षी सं. 1 को हम नम्बरदार/अधिवक्ता के रूप में जानते हैं तथा वह साक्षी सं. 2 की पहचान करता है।

दिनांक 27-09-2022

उप/संयुक्त पंजीयन अधिकारी

(गुरुग्राम)



7744

EXPERION DEVELOPERS PRIVATE LIMITED, (PAN No. AACCG8138L, CIN-U70109DL2006FTC151343) a company incorporated under the Companies Act, 1956 and governed under the Companies Act, 2013 having its registered office at F-9, First Floor, Manish Plaza 1, Plot No. 7, MLU, Sector 10, Dwarka, New Delhi-110075 (hereinafter referred to as the "**Developer**", which expression shall, unless it be repugnant to the subject, context or meaning thereof, mean and shall be deemed to mean and include its successors-in-interest and assigns), represented by its signatory Mr. Abhishek Sharma (Aadhar No.7950 5362 3654) duly authorized vide board resolution dated 29th October 2021, being party of the **First Part**;

AND

EXPERION NIRMAN PRIVATE LIMITED, (Pan No. AADCK0600J, CIN-U45400DL2007PTC162016) a company incorporated under the Companies Act, 1956 and governed under the Companies Act, 2013 having its registered office at F-9, First Floor, Manish Plaza 1, Plot No. 7, MLU, Sector 10, Dwarka, New Delhi-110075 (hereinafter referred to as the "**Land Owner 1**", which expression shall, unless it be repugnant to the subject, context or meaning thereof, mean and shall be deemed to mean and include its successors-in-interest and assigns), represented by its attorney Experion Developers Private Limited acting through its signatory Mr. Abhishek Sharma (Aadhar No.7950 5362 3654) duly authorized vide board resolution dated 29th October 2021, being party of the **Second Part**;

AND

EXPERION REAL ESTATE DEVELOPERS PRIVATE LIMITED, (PAN No. AADCK0601K, CIN-U45400DL2007PTC162017) a company incorporated under the Companies Act, 1956 and governed under the Companies Act, 2013 having its registered office at F-9, First Floor, Manish Plaza 1, Plot No. 7, MLU, Sector 10, Dwarka, New Delhi-110075 (hereinafter referred to as the "**Land Owner 2**", which expression shall, unless it be repugnant to the subject, context or meaning thereof, mean and shall be deemed to mean and include its successors-in-interest and assigns), represented by its attorney Experion Developers Private Limited acting through its signatory Mr. Abhishek Sharma (Aadhar No.7950 5362 3654) duly authorized vide board resolution dated 29th October 2021, being party of the **Third Part**;

AND

Mr. Krishan Pal Singh Rana, (Aadhaar No. 5444 2473 7031 Pan No.AOUPS1201B) Son of Mr. Jagat Singh, Resident of F-30, Plot No. 7, Brahma Apartment, Sector 7, Dwarka, South West Delhi-110075, Delhi, India

Mrs. Poonam Rana, (Aadhaar No. 2739 4427 3231 Pan No.AJSPR6369N) Wife of Mr. Krishan Pal Singh Rana, Resident of Flat No. 30, Brahma Apartment, Plot No. 7, Sector 7, South West Delhi-110075, Delhi, India

(hereinafter jointly or individually, as the case may be, referred to as the "**Buyer**", which expression shall, unless it be repugnant to the subject, context or meaning thereof mean and shall be deemed to mean and include, where the context herein demands or requires, all the respective legal heirs, representatives, administrators, executors, successors and permitted assigns) party of the **Fourth Part**.

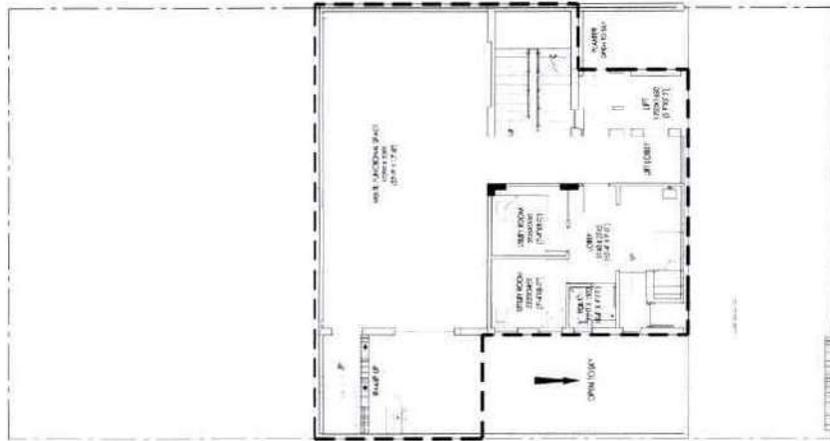


SCHEDULE III
LAYOUT PLAN FOR THE APARTMENT



GROUND FLOOR PLAN

WC-WP- 06
CARPET AREA = 4648.86 SQFT. (431.89 SQMT.)
FLOOR PLAN SCALE-(NTS)



BASEMENT FLOOR PLAN



KEY PLAN

Note: The fixtures, furniture, fittings, etc. shown do not form part of the Apartment.

Buyer(s)



[Handwritten Signature]
[Handwritten Signature]

From

Principal Secretary to Govt. Haryana,
Town and Country Planning Department.

To

The Director General,
Town and Country planning,
Haryana, Chandigarh.

Memo No. Misc-2157/7/16/2006-2TCP

Dated: 28.01.2013

Subject: Revision of Layout Plan in respect of Residential Plotted colony and Building Plans of Group Housing colony.

2. The Layout Plan of Residential Plotted colony is examined as per provisions of Rule 4 of the Haryana Development and Regulation of Urban Areas Rules, 1976 (hereinafter referred as Rules 1976) whereas Building Plans are approved in case of Group Housing colony under Rule 44 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965 (hereinafter referred as Rules 1965). While approving Building Plans under Rule 44, the site Plan alongwith Building Plans are also approved wherein the area under open space/ green area is kept as 15% of site area which includes Tot-Lots.

3. In order to avoid inconvenience to the allottees as well as to avoid litigation, Department had framed the policy in respect of revision of layout plan in case of Residential Plotted Colony & following the same since 13.05.2011, even Department is not allowing shifting of Open space/ Green belt/ Park in case of Residential Plotted Colony. In order to consolidate the policy at one place following procedure to be followed by the Colonizer and the Department while approving revision in the layout plan:-

(i) Colonizer shall inform all the existing plot holders about the proposed Layout Plan being revised through public notice in the newspaper (proforma enclosed) with a request to submit in writing objection, if any, within a period of 30 days from the date of intimation by Competent Authority. A copy of earlier approved layout plan and the proposed layout plan made available on the website of Colonizer, at the office of Developer/ Colonizer as well as in the office of DTP (Planning). The Colonizer shall submit report clearly indicating the petition, if any, received by him from allottee and action taken thereof alongwith an undertaking to the effect that the rights of the existing plot holders have not been infringed. Any allottee having any objection on revised layout plan, may file his/ her objection in the office of concerned District Town Planner. The Public Notice may be published in atleast three National newspapers widely circulated in District, of which one should be in Hindi Language.

4. It has been decided that henceforth, the policy mentioned above is to be followed in case of Group Housing Colony also. The allottees of the dwelling units shall submit the objections, if any, on revision of Building Plans including Site Plan. Further, shifting of Open Space/Park/Play area/ Tot-Lots/ Green Belt, if any, earmarked within approved Site Plan of Group Housing colony shall not be allowed in any circumstance.

DA/ As above

Superintendent,
Principal Secretary to Govt. Haryana,
Town and Country Planning Department

<Name of Colonizer>
<Address & Phone No.>
<Website>

PUBLIC NOTICE

Whereas, <Name of Developer> is in the process of undertaking of development of a <type of > Colony in <Sector ____>, <City> over an area measuring < _____ acres> in the revenue estate of <Name of Village> in accordance with the provision of <license no. ____>, <Year__>, granted by Director General, Town & Country Planning, Haryana, Chandigarh.

And whereas, several individuals have made bookings/ entered into purchase agreement for allotment of plot/ property in the said colony (hereinafter referred as allottees).

And whereas, the layout plan earlier approved at the time of grant of license for the said colony is now proposed to be revised.

And whereas, the office of Director General, Town & Country Planning, Haryana, Chandigarh has required seeking of objection against the revision of layout plan as a pre-condition for allowing such revision in the layout plan.

Accordingly, vide this public notice objections are hereby invited from any of the allottees in the said colony on the proposed revision of the layout plan of the said colony. A copy of the earlier approved layout plan bearing <drawing no.____>, dated ____ & the layout plan now proposed to be revised bearing <drawing no.____>, dated ____ is available for perusal on or website (name of website). The said layout plan can also be perused at the office of undersigned at <Address of Developer> as well as in the office of District Town Planner (Planning), <Address of office>.

Any allottee having any objection on revised layout plan, may file his objection in the office of District Town Planner (Planning) <Address of office> within 30 days of the publication of this notice, failing which it shall be assumed that there are no objections to the proposed revision in the layout plan.

Place: _____
Date: _____

<Name & Designation>
<For>

Date: 08th October, 2023

To

Mr. Sunil Kumar Nigam

1802, Tower 36, Lotus Espacia, Sector-100, Noida, UP 201304

Sub-Green area calculations for Experion Windchants group housing project, Sector 112, Gurugram.

Dear Sir,

With reference to above subject, we submit our opinion on green area calculation as under: -

1. The subject matter is for calculating green area for Group Housing Colony named "WINDCHANTS" measuring 23.431 acres in village Chauma, Sector 112, Gurgaon Manesar Urban Complex developed by M/s Experion Developers Pvt Ltd.
2. The latest revised Building plans were approved on 07.06.2012 vide memo no. 9781
3. Site plan (SP01), Site plan- Fire layout (SP03) & Deviation plan for this project was provided to us in scanned portable document format based on this tentative area calculations were considered while rasterizing these documents.
4. Based on above, the following green areas are estimated as being encroached -

- HSD tank and Gas Bank near tower WT07 (T-1 in plan) = 530 sqm

- Setback area behind Villas V-7 to V-21 & Town Houses TH-1 to TH-14 = 3320 Sqm

- Additional 20 EWS units - 110 Sqm*

*- it has been informed to us that 20 EWS units built on green area of about 110 Sqm. have since been demolished but the green area under HSD tank, Gas Bank and the setback area behind villas and townhouses is still encroached for which tentative calculation is given above.

CONCLUSION

In our considered opinion and based on above observations, we have come to the conclusion that in order to achieve exact calculation of green area encroachment, we require the missing Site plan (SP 02) i.e. Organized Green Area plan with area calculations and comparing it with latest site survey drawing or report.

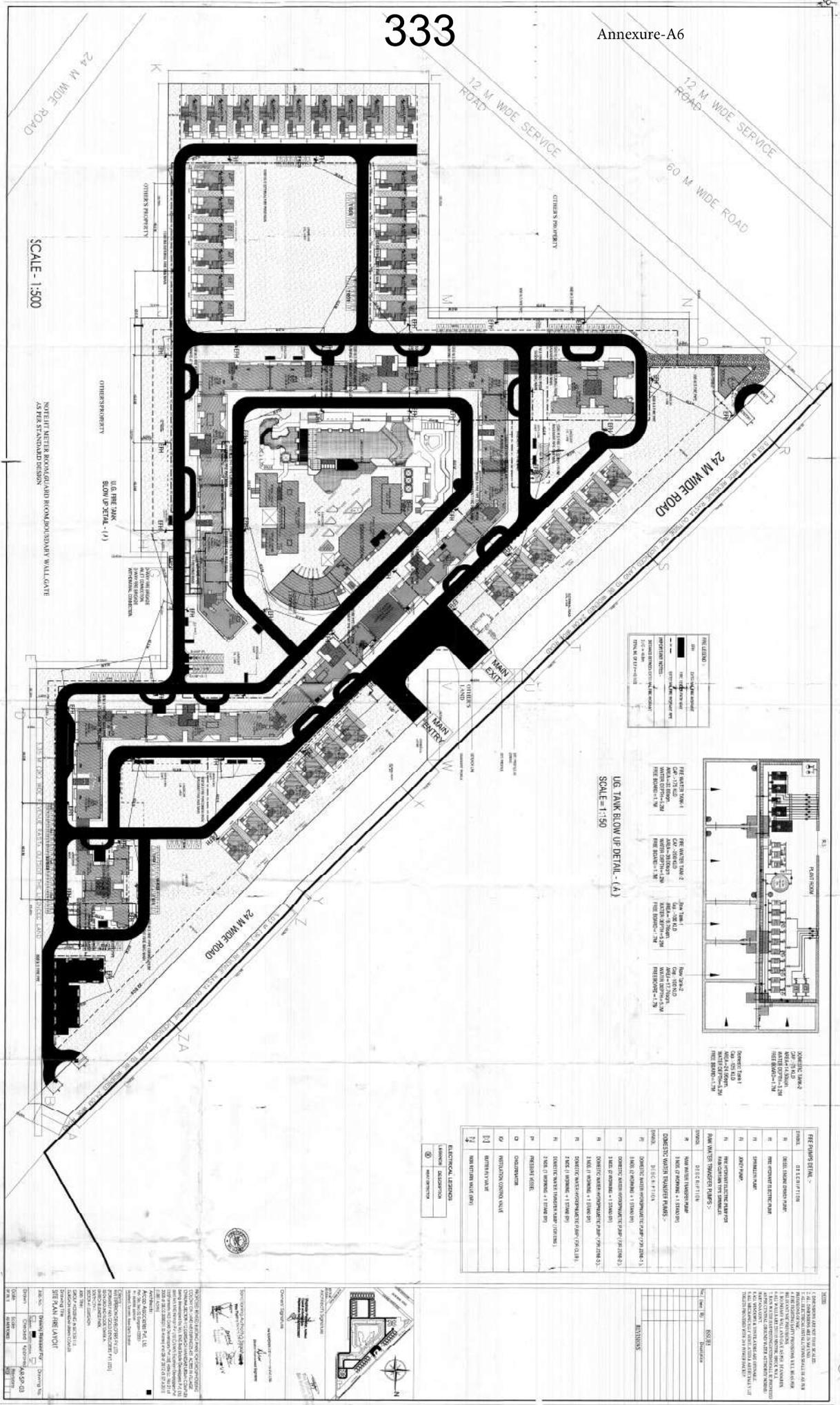
However, from the available plans and information, it can be inferred that green area of approximately 3850 Sqm. has been encroached under HSD tank, Gas Bank and setback area behind villas and townhouses.

Thanking you,

Ar. Nitin Kundara



333

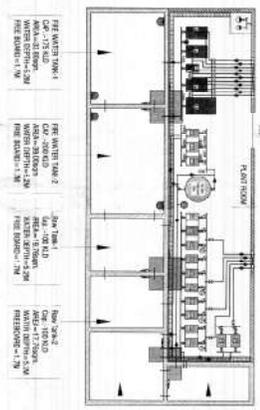


SCALE - 1:500

NOTIFY CITY ENGINEER AND RECORD DRAWING WALL/CURTAIN PER STANDARD DESIGN



U.G. TANK BLOW UP DETAIL - (A)
SCALE = 1:50



DOMESTIC TANKS
 1. 1000 LITRE
 2. 1500 LITRE
 3. 2000 LITRE
 4. 2500 LITRE
 5. 3000 LITRE
 6. 3500 LITRE
 7. 4000 LITRE
 8. 4500 LITRE
 9. 5000 LITRE
 10. 5500 LITRE
 11. 6000 LITRE
 12. 6500 LITRE
 13. 7000 LITRE
 14. 7500 LITRE
 15. 8000 LITRE
 16. 8500 LITRE
 17. 9000 LITRE
 18. 9500 LITRE
 19. 10000 LITRE

NO.	DESCRIPTION	QTY	UNIT	REMARKS
1	CONCRETE TANK	1	SQ. METRE	1000 LITRE
2	CONCRETE TANK	1	SQ. METRE	1500 LITRE
3	CONCRETE TANK	1	SQ. METRE	2000 LITRE
4	CONCRETE TANK	1	SQ. METRE	2500 LITRE
5	CONCRETE TANK	1	SQ. METRE	3000 LITRE
6	CONCRETE TANK	1	SQ. METRE	3500 LITRE
7	CONCRETE TANK	1	SQ. METRE	4000 LITRE
8	CONCRETE TANK	1	SQ. METRE	4500 LITRE
9	CONCRETE TANK	1	SQ. METRE	5000 LITRE
10	CONCRETE TANK	1	SQ. METRE	5500 LITRE
11	CONCRETE TANK	1	SQ. METRE	6000 LITRE
12	CONCRETE TANK	1	SQ. METRE	6500 LITRE
13	CONCRETE TANK	1	SQ. METRE	7000 LITRE
14	CONCRETE TANK	1	SQ. METRE	7500 LITRE
15	CONCRETE TANK	1	SQ. METRE	8000 LITRE
16	CONCRETE TANK	1	SQ. METRE	8500 LITRE
17	CONCRETE TANK	1	SQ. METRE	9000 LITRE
18	CONCRETE TANK	1	SQ. METRE	9500 LITRE
19	CONCRETE TANK	1	SQ. METRE	10000 LITRE

PROJECT INFORMATION

PROJECT NO: 123456789
 CLIENT: ABC COMPANY
 ADDRESS: 123 MAIN STREET, CITY, STATE, ZIP
 PROJECT NAME: INDUSTRIAL COMPLEX
 DRAWING NO: 100-100-100-100
 DATE: 10/10/2023

DESIGNER INFORMATION

DESIGNER: XYZ ENGINEERING
 ADDRESS: 456 MARKET STREET, CITY, STATE, ZIP
 PHONE: (011) 1234 5678
 EMAIL: info@xyz.com

APPROVALS

DESIGNER: [Signature]
 CHECKED: [Signature]
 APPROVED: [Signature]

LEGEND

1. CONCRETE TANK
 2. METAL ROOF SHEET
 3. BRICK WALL
 4. ASPHALT PAVEMENT
 5. GRAVEL FILL
 6. SAND FILL
 7. CONCRETE FLOOR
 8. CONCRETE WALL
 9. CONCRETE COLUMN
 10. CONCRETE BEAM
 11. CONCRETE SLAB
 12. CONCRETE RAFTER
 13. CONCRETE TRUSS
 14. CONCRETE GIRDER
 15. CONCRETE JOIST
 16. CONCRETE CHAIR
 17. CONCRETE BRACE
 18. CONCRETE BRACKET
 19. CONCRETE ANCHOR
 20. CONCRETE BOLT
 21. CONCRETE NUT
 22. CONCRETE WASHER
 23. CONCRETE PLATE
 24. CONCRETE RIVET
 25. CONCRETE SCREW
 26. CONCRETE NAIL
 27. CONCRETE WIRE
 28. CONCRETE ROD
 29. CONCRETE BAR
 30. CONCRETE REINFORCEMENT

NOTES

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
 2. REFER TO OTHER DRAWINGS FOR DETAILS.
 3. MATERIALS TO BE USED AS PER STANDARD SPECIFICATIONS.
 4. CONSTRUCTION SHALL BE IN ACCORDANCE WITH LOCAL CODES AND REGULATIONS.
 5. THIS DRAWING IS THE PROPERTY OF XYZ ENGINEERING AND SHALL REMAIN SO AT ALL TIMES.









day.

7982701317, 9643002314

Experion Developers Pvt. Ltd.

2nd Floor, Plot No. 16, Institutional Area, Sector 32, Gurugram.

Phone No. 18001022630, Website: www.experion.co

PUBLIC NOTICE

Whereas, Experion Developers Pvt. Ltd. is in the process of undertaking of development of a residential group housing Colony in the name of Windchants, Sector 112, Gurugram ("Project") over an area measuring 23.431 acres in the revenue estate of Village Chourma in accordance with the provision of License no. 21 of 2008 dated 08.02.2008 and 28 of 2012 dated 07.4.2012, granted by Director, Town & Country Planning, Haryana, Chandigarh.

And whereas, several individuals have made bookings/ entered into purchase agreement for allotment of apartment in the said Project (hereinafter referred as allottees).

And whereas, the Building plans earlier approved at the time of grant of license for the said Project is now proposed to be revised.

And whereas, the office of Director, Town & Country Planning, Haryana, Chandigarh has required seeking of objection against the revision of Building plans as a pre-condition for allowing such revision in the Building plans.

Accordingly, vide this public notice objections are hereby invited from the allottees in the said Project on the proposed revision of the Building plans of the said Project. A copy of the earlier approved Building plans bearing MEMO No. ZP-595 JD/(BS)/2012/9781, dated 07.06.2012 & the Building plans now proposed to be revised bearing Drawing No- AR-SP-01 is available for perusal on website www.experion.co. The said Building plan can also be perused at the office of undersigned at 2nd Floor, Plot No. 16, Institutional Area, Sector 32, Gurugram, at the Project site office as well as in the office of Senior Town Planner, Gurugram, HUDA Building, Sector-14, Gurugram, Haryana.

Any allottee having any objection on revised Building Plan, may file his/her objection in the office of Senior Town Planner, Gurugram, HUDA Building, Sector-14, Gurugram, Haryana within 30 days of the publication of this notice, failing which it shall be assumed that there are no objections/suggestion to the proposed revision in the Building Plan.

For and on behalf of
Experion Developers Pvt. Ltd.
 Authorised Signatory

Place: Gurugram

Date: 14.03.2021

Experion Developers Pvt. Ltd.

340

2nd Floor, Plot No. 18, Institutional Area, Sector 32, Gurugram,
Phone No. 0124-6281630, Website:- www.experion.co

PUBLIC NOTICE

Whereas, Experion Developers Pvt. Ltd. ("EDPL") is in the process of undertaking of development of a residential group housing Colony in the name of Windchants, Sector 112, Gurugram ("Project") over an area measuring 23.431 acres in the revenue estate of Village Chouma in accordance with the provision of License no. 21 of 2008 dated 08.02.2008 and 28 of 2012 dated 07.4.2012, granted by Director, Town & Country Planning, Haryana, Chandigarh.

And whereas, several individuals have made bookings/entered into purchase agreement for allotment of apartment in the said Project (hereinafter referred as allottees).

And whereas, EDPL applied for obtaining occupation certificate for certain towers/units in the Project and due to construction of additional 20 EWS Units in the Project the office of Director, Town & Country Planning, Haryana, Chandigarh vide conditional occupation certificate bearing MEMO No. ZP-595-VOL-II/SD(DK)2021/5475 dated 04.03.2021 has required seeking of objection from the allottees of the Project against the revision of Building plans as a pre-condition for allowing such revision in the Building plans.

Accordingly, vide public notice dated 14.03.2021 published by EDPL in the newspapers Hindustan Times, Express Network English newspapers and Hindustan Time Hindi newspaper objections were invited by EDPL from the allottees of the said Project on the said proposed revision of the Building plans of the said Project ("Public Notice").

Now EDPL has decided to demolish the said 20 additional EWS units and withdraw the said Public Notice dated 14.03.2021, accordingly the said Public Notice shall stand withdrawn from the date of publication of this withdrawal notice.

For and on behalf of
Experion Developers Pvt. Ltd.
Authorised Signatory

Place: Gurugram
Date: 21.07.2021

18/07/21

M. Dohla
editor
21.7.21

341

From: ERIC MALL epmall@yahoo.com
 Subject: OBJECTIONS / SUGGESTIONS in response
 to Experion Developers Pvt Ltd. letter dated
 12.03.2021 and public notice in newspaper
 on 14.3
 Date: 9 Apr 2021 at 13:58:42
 To: stp4.gurugram.tcp@gmail.com
 Cc: dtpenf2.gurugram.tcp@gmail.com,
tcpharyana7@gmail.com,
stp5.enf.tcp@gmail.com,
officer.rera.hry@gmail.com,
hareragurugram@gmail.com,
cmharyana@nic.in, Experion Care
care@experion.net.in

The Senior Town Planner, Gurugram,

09 April 2021

HUDA building, Sector 14,

Gurugram, Haryana

stp4.gurugram.tcp@gmail.com

Subject: Regarding revision of building plans of Residential Group Housing Colony namely "Windchants" over an area measuring 23.431 acres in Sector 112, Gurugram, Haryana.

Dear Sir,

I am allottee of Flat No. WT-05/2002 of the subject project. The said Project was approved by the Department of Town and Country Planning, Haryana vide License No. 21 of 2008 dated 08.02.2008 and 28 of 2012 dated 07.04.2012 by the Director-General, Town and Country Planning, Chandigarh. The building plans (AR-SP-01) for the Project were also approved vide Memo No. ZP 595/JD(BS)/2012/9781 dated 07.06.2012 by the concerned regulatory authority.

I have received a Letter for M/s Experion dated 12.03.2021, (Copy attached) informing that the builder has **already constructed additional EWS units on 110.268 Sq m of the stipulated Organized Green Area**. M/s Experion had also mentioned that in the process of obtaining Occupation Certificate, the DTCP office has required them to ascertain if there were any objections against the change of building plans as a precondition for allowing such revision.

M/s Experion had also published **public notice in the newspaper on 14.3.2021** informing that "the Building Plans earlier approved at the time of grant of license (in 2008 and 2012) is now proposed to be revised". Vide the said notice M/s Experion have invited objections/suggestions to be filed in the office of STP, Gurugram.

A straightforward reading of the Experion letter dated 12.03.2021 gives the false impression that the matter is limited to construction of additional EWS units on the stipulated Organized Green Area. However, the revised plans available on the project website (www.windchants.in), gives a completely different and shocking picture where **wide ranging changes have been marked on the drawing in the ground coverage of each towers, community center, basement parking, internal roads, EWS units etc. The FAR has also been altered without inviting any prior objections in the past.**

Without prejudice to my rights to file detailed objections after receiving further information, I hereby file my objections/suggestions as an allottee of the said Project as below:

The Builder has already made the changes from the approved building plan. As per clause 6(2) of Haryana Apartment Ownership Act, **'all common area and facilities shall not be altered without the consent of all the apartment owners'** Admittedly the said arbitrary, unilateral and illegal increase was without the consent and knowledge of the allottees/residents and in clear contravention/violation of the provisions of the Act and Rules framed thereunder Haryana Apartment Ownership. It is illegal to carry out changes in building plan without consent of allottees/residents and approval of authority.

As per the citations mentioned below, the open and green area has been considered important by the Hon'ble Supreme Court and various guidelines have been imposed by the National Green Tribunal and Ministry of Environment and Forest which needs to be adhered strictly.

- a. **Hon'ble NGT order dated 09.01.2020** (uploading dated 11.02.2020) in the matter of O.A. No. 238 of 2015 titled as **Anil Uppal Vs. Union of India & Ors.**
- b. In **Bangalore Medical Trust v. B.S. Muddappa, (1991) 4 SCC 54**, the question considered by the Hon'ble Supreme Court was that the development authorities in granting any revised plans, affecting open areas, cannot ignore public interest in reservation and preservation of open area, over and above the private interest of an individual seeking to convert open area into covered area. As held in **Goel Ganga Developers Pvt. Ltd. v. UOI & Ors. (2018) 18 SCC 2572**, revised plan enforced after allotment apartments to the applicants illegally deprived the applicants of their right to ecological services as per the original plan as well as liability for compensation on account of violation of law prohibiting change of common area to the detriment of environment only to advance private profit.
- c. Reference may also be made to order dated 16.01.2020 passed by the High Court of Punjab and Haryana in CWP No. 2147/2012, **Ambience Lagoon Apartment Residents Welfare Association v. State of Haryana & Ors.** showing that the issue of construction over open area has been subject matter of consideration before the said High Court since 2012 and the State has undertaken to reconsider the permission for commercial activity granted on 09.01.2010.

The Builder has indulged in unfair trade practices and is continuing doing illegal, unlawful and irregular acts. M/s Experion has revised the sale area of units in all towers post approval of the Plans and has charged huge

sums of money in the name of 'additional sale area' without changing the approved unit layout and even iota change in carpet/built-up area. In this connection I may highlight here that in the matter of **Pawan Gupta vs Experion Developers** in this very project, **NCDRC** has termed this as an '**unfair trade practice**' and cancelled the entire demand for 'additional sale area' vide order dated 26.08.2020. I may also highlight that the **Hon'ble Supreme Court, on 12.01.2021 had dismissed the Experion appeal** in the matter and upheld the decision of NCDRC holding demand for 'additional sale area' as illegal. **RERA had also issued show cause notice to Experion for gross illegalities and irregularities in Windchants Project. There are very serious allegations in RERA notice dated 28.08.2020 that Experion has sold more area than actually built and the extra amount extorted from buyers are of the tune of more than 250 crores.**

As per the functions and policies of the Department of Town and Country Planning, Haryana, only 15% of the total units in the group housing colony must be provided as EWS units, and as such M/s Experion already had more EWS units than required as per law and it's not clear what was the need to construct additional EWS units in a clandestine and illegal manner without obtaining proper permissions and approvals?

I had paid premium on prices compared to similar project in the vicinity while purchasing the apartments under said project on the builder representation that this project has low population density and higher green area. The proposed development is causing hindrance as it is aesthetically unacceptable to me.

In light of above, I OBJECT to any revision in the building plans (AR-SP-01) for the Project which had been approved by the competent authorities vide Memo No. ZP 595/JD(BS)/2012/9781 dated 07.06.2012. It is an infringement to facilities and layout plan as depicted at the time of booking and at the time of Apartment buyer's agreement thus not adhering to Haryana Apartment Ownership Act. I also request the TCP to initiate enquiry against Experion Developers Pvt Ltd. For conducting arbitrary, unilateral and illegal increase or carrying changes from approved plans and reducing green coverage without the consent and knowledge of the allottees/residents and approval of authority.

Thanking You,

Eric P Mall

Flat no. WT-05/2002

Sector 112, Gurugram, 122017

Email: epmall@yahoo.com

Cc:

- 1 **Director TCP office Chandigarh (Department of Town & Country Planning Haryana, Plot No. 3, Sec-18A, Madhya Marg, Chandigarh 160018)** with a request to institute a high level multiagency probe against illegalities committed by Experion Developers in Windchants project dtpenf2.gurugram.tcp@gmail.com; tcparyana7@gmail.com; pstcpharyana1@gmail.com; stp5.enf.tcp@gmail.com
- 2 **Chairman, HRERA with a request to** institute a high level multiagency probe against illegalities committed by Experion Developers in Windchants project officer.rera.hry@gmail.com; hareragurugram@gmail.com
- 3 **Chief Minister Office, Haryana with a request** to issue appropriate instructions to statutory agencies to check malpractices and illegalities being perpetrated by Experion Developers cmharyana@nic.in
- 4 **Prime Minster Office with a request** to issue appropriate instructions to statutory agencies to check malpractices and illegalities being perpetrated by Experion Developers URL: <https://pgportal.gov.in/>
- 5 **EXPERION DEVELOPERS PVT. LTD., 2nd floor, Plot no. 18, Institutional Area, Sector 32, Gurugram, Haryana** requested to provide as-built drawing of the Windchant project; approved basement and car parking area drawings, OGR approved plans and sale area calculations based on approved plan and as-built drawing care@experion.net.in

345

From: Gopal Arora gopal1960@hotmail.com
Subject: My objections followed by meeting with your
 good self and email dated 19 July and 23
 July 2021 reg Windchants GHC, sector 112
 Gurugram
Date: 6 Aug 2021 at 18:08:27
To: tcpharyana7@gmail.com
Cc: dtp.hqsks2.tcp@gmail.com,
cmharyana@nic.in
Bcc: mutnejapk@yahoo.com, Brijesh Pawan
Mutneja_brijeshkumarssc@gmail.com,
gopal1960@hotmail.com

Director General
 Directorate of Town and Country Planning
 Chandigarh Haryana

Sub- My objections followed by meeting with your good self and email dated 19 July 2021 and 23 July 2021 in the matter of Windchants project by Experion Developers in sector 112, Gurugram

Sir

I draw your kind attention to my meeting with your good self on 13 July 2021 and subsequent correspondence with DTP HQ Sh S K Sehrawat as per trail mail, the contents of which I am not repeating for the sake of brevity.

The homebuyers are still waiting for directions from your office to STP to conduct a fresh site visit to list the various illegalities/ irregularities committed by builder Experion at the time of obtaining 4th OC as well as earlier 3 OCs.

Sir, Hon'ble Supreme Court, in another matter, has recently observed that public bodies are expected to take a neutral stand and should not be seen as favouring the builder.

It is once again requested that suitable directions, as prayed in trail mail, be passed to your officers and the builder in the interest of truth and justice.

It is also requested that your decision in the matter may be conveyed to us at your earliest convenience.

Thanking you
 Your Sincerely
 Prof Gopal Arora
 Allottee in Windchants Project.

From: Gopal Arora <gopal1960@hotmail.com>
Date: 23 July 2021 at 00:54:52 IST
To: dtp.hqsks2.tcp@gmail.com, tcpharyana7@gmail.com, cmharyana@nic.in
Subject: My email dated 19 July 2021 reg Windchants GHC, sector 112 Gurugram

DTP (HQ) Shri S K Sehrawat
 Directorate of Town and Country Planning
 Chandigarh Haryana

Sub- My email dated 19 July 2021 in the matter of Windchants project by Experion Developers in sector 112, Gurugram

Sir

Further to my email dated 19 July 2021, I note that builder EDPL has now issued a public notice dated 21 July 2021 stating that 'EDPL has decided to demolish the said 20 additional EWS units and withdraw the said Public Notice dated 14 March 2021'

This act of builder EDPL is grossly INADEQUATE AND FALLS SHORT OF OUR GRIEVANCES AGAINST EQUALLY SERIOUS VIOLATIONS/ ILLEGALITIES WHICH ENDANGER THE VERY LIFE AND PROPERTY OF RESIDENTS OF THE COLONY. Building 20 additional EWS units was only ONE OF THE MANY VIOLATIONS.

Building HSD tank and Gas bank protruding above the ground level, without sanctioned plans, is VERY VERY SERIOUS VIOLATION. WE HAVE SUFFICIENT EVIDENCE TO PROVE THAT THESE HIGHLY DANGEROUS STRUCTURES WERE BUILT ALMOST 4 YEARS AGO AT THE TIME OF FIRST OC. DETAILED ENQUIRY NEEDS TO BE CONDUCTED AS TO WHY SUCH GLARING VIOLATION WAS NOT REPORTED IN ANY OF THE REPORTS BY DTP/STP GURUGRAM.

Other violations include, but not limited to, tampering with the circulations roads plan, reducing surface car parking numbers, changing ground coverage of almost all high rise towers, violations of bilateral agreements LC IV and LC IVA, not building boundary wall on a long stretch near Nursery School.

In light of above you are once again requested to do the following in the interest of truth and natural justice.

1. **Withdraw the 'in principle approval' for 4thOC granted to Experion in March 2021**
2. **Direct DTP/STP Gurugram office to conduct a fresh site visit and report all violations in their entirety, whether pertaining to instant case OR earlier OC cases. The representatives of objectors should be invited to be present during site visit and draft reports should be shared with them before these are acted upon.**
3. **Order a detailed inquiry on violations committed during grant of earlier 3 OCs**
4. **Put on hold all approvals to Experion in Windchants project till the entire truth is uncovered and remedial steps as per law are taken by erring builder.**

Thanking you

Yours Sincerely

Prof Gopal Krishan Arora

C-1/17 Rana Partap Bagh

Delhi-110007

Mob- [9811012106](tel:9811012106)

From: Gopal Arora <gopal1960@hotmail.com>

Sent: Monday, July 19, 2021 11:16 PM

To: dtp.hqsks2.tcp@gmail.com <dtp.hqsks2.tcp@gmail.com>; tcpharyana7@gmail.com <tcpharyana7@gmail.com>; cmharyana@nic.in <cmharyana@nic.in>

Subject: Fw: Additional objections for unit 801/WT07 for proposed revision in plans of Experion Windchants project, SEctor 112 Gurugram.

Shri S K Sehwat,
DTP (HQ)
Directorate of Town and Country Planning
Chandigarh, Haryana

Dated 19 July 2021

Sub- Complaint and Objections in the matter of Windchants project (4th OC) by Experion Developers in sector 112, Gurugram

Dear Sir

This letter is in furtherance to my various communications with DTCP followed by a personal meeting with the Director, TCP in his office on Tuesday 13 July 2021 wherein I had explained the gross illegalities/ irregularities committed by builder Experion in the Windchants project. **Photographs of illegal construction including a HSD tank and Gas Bank protruding above the ground level and encroaching on Organised Green Area** were also submitted along with a copy of my additional objections already filed on 12 April 2021 (attached in trail mail)

Subsequently I met you, in your office, on Wednesday, 14 July 2021 and discussed the matter in greater detail. Further to my detailed objections and correspondence (which I am not repeating for the sake of brevity), I am stating below the gist of our discussion and the crux of the issue for the purpose of good record-

1. It is clear now that **the builder Experion is trying to cover up and regularize his illegalities and violations, committed since beginning, in the garb of inviting objections at the stage of 4th OC.** The language used in Public notice dated 14 March 2021 is in contrast to the subject matter of correspondence of STP Gurugram office and the 'in principle approval' granted by your office for the 4th OC. During the personal hearing in STP Gurugram office on 28 June 2021, the builder accepted that the objectors have been misled and agreed to withdraw the public notice and publish a new notice after a fresh 'in principle approval' letter is issued by DTCP office.
2. It is also very apparent that the **DTP/STP Gurugram reports did not mention all the illegalities/ violations which are very much conspicuous and should have been reported after field visits consequent to applications for OC by Experion.** Further, the **STP Gurugram office did not provide access to drawings/ plans to homebuyers despite several emails/ reminders** (please see trail mail). Thus, there was undoubtedly an attempt to favor the builder by diluting the violations. There was also an attempt to block relevant information to objectors so that they do not know the whole extent, implications and justifications of the proposed revision which severely infringes on the rights of hundreds of innocent homebuyers.
3. I had shared with you the actual photographs of the site showing the HSD tank and Gas Bank protruding above the ground level and encroaching on the organized green area. **This is a VERY VERY SERIOUS MATTER with potential danger to the life and property of the residents of nearby tower (where I have booked my apartment).** Building additional EWS units by encroaching on Organised Green Area also indicates that builder has a hidden agenda of building more apartments in the complex and burdening the existing common facilities. This is absolutely unacceptable. Some of the other violations include **not constructing the circulation roads mandatory for fire tender movements, reducing ground coverage of towers, reducing surface car parking etc.** There are several other violations also which can be properly ascertained after all the AS drawings, Deviation drawings and STP Gurugram reports are provided to us for which I have already filed a RTI on 14 July 2021. **Suffice it to say that the ground situation at site has multiple violations/ illegalities which have not been brought on record in DTP/STP Gurugram reports.**
4. I had also brought to your attention that **some of the towers covered in proposed 4th OC are not registered under RERA.** Legal implications of this lapse may please be examined.
5. It was also mentioned that **we have challenged the Constitutional validity of the OM no. Misc-2295/2021/1775 Dated:**

25/01/2021 issued by the office of Principal Secretary regarding Procedure for alteration/ revision of sanctioned plans and Treatment of certain common areas. **The State's policy cannot override RERA which is a Central Act. Policies are made to implement the law and not to circumvent it.** Information received through RTI reveals that it was proposed to seek the opinion of Ld LR in the matter. As the issue is under challenge and legal opinion is awaited, it is requested that the operation of above said OM be kept in abeyance and procedure for alteration. Revision of sanctioned plans be as per section 14 of the RERA Act.

6. Sir, you will appreciate that a colonizer/ builder has only a transitory role in a Group Housing Colony. He will walk away with his profits of hundreds of crores of rupees. We, the owners of apartments, have to spend a lifetime there. Please ensure that homebuyers are not cheated by unscrupulous builder. **Already NCDRC has indicted Experion in Pawan Gupta case terming his actions as 'unfair trade practice' (order dated 26 August 2020) . Supreme Court has upheld the order of NCDRC (order dated 12 January 2021). RERA Gurugram has also issued a stinging show cause notice dated 28 August 2020 to Experion alleging prima facie fraud of over 250 crores of rupees and several other violations directly related to your department. All relevant papers were shared with you during our meeting on 14 July 2021.**

Redressing citizen's grievances through Administrative mechanism is an important duty of the government departments. Failure to do so not only frustrates the citizens, it also puts avoidable pressure on our overburdened judicial system where citizens have to rush for justice.

In light of above you are kindly requested to do the following in the interest of truth and natural justice.

- a. **Withdraw the 'in principle approval' for 4thOC granted to Experion in March 2021**
- b. **Direct DTP/STP Gurugram office to conduct a fresh site visit and report all violations in their entirety, whether pertaining to instant case OR earlier OC cases. The representatives of objectors should be invited to be present during site visit and draft reports should be shared with them before these are acted upon.**
- c. **Order a detailed inquiry on violations committed during grant of earlier 3 OCs**
- d. **Put on hold all approvals to Experion in Windchants project till the entire truth is uncovered and remedial steps as per law are taken by erring builder.**

Thanking you

Yours Sincerely

Prof Gopal Krishan Arora

C-1/17 Rana Partap Bagh

Delhi-110007

Mob- [9811012106](tel:9811012106)

From: Gopal Arora

Sent: Monday, April 12, 2021 10:27 PM

To: stp4.gurugram.tcp@gmail.com <stp4.gurugram.tcp@gmail.com>

Cc: stp5.enf.tcp@gmail.com <stp5.enf.tcp@gmail.com>; tcpharyana7@gmail.com <tcpharyana7@gmail.com>; Experion CRM <crmsent@experion.net.in>; Experion Care <care@experion.net.in>; cmharyana@nic.in <cmharyana@nic.in>; dtpenf2.gurugram.tcp@gmail.com <dtpenf2.gurugram.tcp@gmail.com>

Subject: Additional objections for unit 801/WT07 for proposed revision in plans of Experion Windchants project, SEctor 112 Gurugram.

Dear STP Sir

PFA additional objections reg captioned subject. i wish to put on record that I have personally visited your office, wrote 2 mails and ALSO called Experion office several times, sent messages and emailed 3 times. I did not get the access to the plans, drawings and other information necessary to file detailed objections.

Other allottees have also faced similar problems and as such the whole exercise is now mired in the suspicion that information is being deliberately withheld from allottees.

Without prejudice to my rights, I request you to take on record these additional objections.

i also request your good self to give me a personal hearing in the matter before taking any decision in the matter which may adversely impact my interest.

Yours Sincerely

Gopal Krishan Arora HUF

C-1/17 Rana Partap Bagh, DELhi-110007

Mob 9811012106

email gopal1960@hotmail.com



**Objections by GKA HUF
unit 801 Tower 7.docx**
50 KB

350

PROCEEDINGS OF PHYSICAL/VIRTUAL HEARING REGARDING IN PRINCIPAL APPROVAL OF GRANT OF OCCUPATION CERTIFICATE FOR TOWER-T3, T4, T16, T17, VILLAS-V1, V4, VS, TOWNHOUSES-TH1, TH4, TH5, TH6, TH7, TH8, TH9, TH10 & TH11 FALLING IN GROUP HOUSING COLONY AREA MEASURING 23.431 ACRES (LICENSE NO. 21 OF 2008 DATED 08.02.2008 & LICENSE NO. 28 OF 2012 DATED 07.04.2012) IN SECTOR-112, GURUGRAM BEING DEVELOPED BY EXPERION DEVELOPERS PVT. LTD., CONDUCTED UNDER THE CHAIRMANSHIP OF SH. SANJEEV MANN, SENIOR TOWN PLANNER, GURUGRAM ON 28.06.2021 AT 2:30 PM.

The followings were present during the hearing:-

1. Ms Divya Dahiya, ATP O/o STP, Gurugram
2. Sh. Joginder Singh, PA O/o STP, Gurugram
3. Sh. H. Awan, Objector
4. Sh. Eric P.Mall, Objector
5. Sh. Virendra Singh Saini, Objector
6. Sh. Gopal Arora, Objector
7. Sh. Nirbay, Objector
8. Sh. Praveen Gambhir and others joined through VC -Objectors
9. Sh. Ashok Kumar, representative of Experion Developers Pvt. Ltd,
10. Sh. Mansoor Alam, representative of Experion Developers Pvt. Ltd,
11. Sh. Srijita Kundan, representative of Experion Developers Pvt. Ltd,

In compliance of the condition no. (vii) of the in-principle approval issued vide Directorate memo no- ZP-595-Voll-II/SD(DK)/2021/5475 dated 04.03.2021, a hearing, regarding the objections and suggestions filed by the existing allottees, was conducted with the objectors and coloniser. Due to ongoing pandemic of COVID-19, the objectors were also facilitated to attend the hearing through Video conferencing. 6 nos objectors, mutually nominated by all the objectors attended the hearing physically and others attended through Video Conferencing. The objectors raised following issues:

Sr. No.	Issues raised	Reply by representative of Developer	Comments of this office.
1	The objectors alleged that the Public Notice dated 14 March 2021 states that “the Building Plans earlier approved at the time of grant of license for the said project are now proposed to be revised” whereas the in-principal approval is granted for Occupation Certificate for certain towers. Therefore, the Public Notice shall be withdrawn and a new Public Notice clearly stating the purpose of inviting objections shall be published.	Sh Mansoor Alam informed that the in-principal approval of Occupation Certificate has been granted, vide directorate memo no. ZP-595-Vol-II /SD(DK)/2021/5475 dated 04.03.2021 due to deviations from sanctioned Building Plans made at site by constructing the additional EWS Blocks consisting of 20 EWS flats without approval of Building Plans on landscape green area due to which green area has been reduced to 28360.607 sqm from sanctioned 28470. 875 sqm. This	This office agrees with the objectors. Decision regarding the condition (i) of in-principal approval and republication of Public notice shall be taken at HQ level.

351

Sr. No.	Issues raised	Reply by representative of Developer	Comments of this office.
	<p>Further, upon examination of the in-principal approval granted by the Directorate it is observed that the objections on deviation from Sanctioned Building Plans in form of construction of 20 additional EWS units and reduction in organised green area are directed to be invited. However, Changes/deviations illegally done by Builder are far more extensive and serious and not confined to the 20 additional EWS units and reduction in the Organised Green Area. For example, an Underground HSD Tank and Gas Bank has been built in very close proximity to tower (T1) by encroaching on the OGR and children playing area. Similarly space reserved for visitor's car parking, Stilt Area, Basement car parking area, Ground coverage of Towers of most the towers have all been tempered with. Therefore, objections on the same shall also be invited from existing allottees.</p>	<p>approval was granted with the condition to invite objections/suggestions from existing allottees about the aforementioned deviation. The Public notice was published on the basis of language mentioned in condition (i), of said in-principal approval. However, the said deviations on which objections were directed to be invited by the Directorate is clearly mentioned in the letter sent to each of the allottees through Registered post, copy of which was also submitted in the office of STP, Gurugram. However, it was agreed by the Developer that the Public Notice unintentionally misled the objectors and requested that a clarification/corrigendum be allowed to be published in the same newspapers along with intimation to all the allottees through e-mail clarifying the purpose of inviting the objections.</p>	
2	<p>The objectors alleged that the RERA registration of the whole project including the towers for which in-principal approval has been granted, has not obtained by the Developer, due to which, Occupation Certificate cannot be granted as per RERA Act.</p>	<p>Sh Mansoor Alam, representative of the coloniser denied the allegation. It was intimated that the RERA Registration for the project has been obtained, however, nomenclature of few of the towers is different in the RERA Registration certificate; supporting documents for the same will be submitted.</p> <p>It was also intimated that as per RERA Act, there is no restriction on grant of OC till RERA Registration is obtained, rather, it is mandated in the Act <i>ibid</i> that no sale can take place without RERA Registration. It was further informed that no unit in the OC applied towers has been sold by the developer, till date.</p>	<p>This objection does not affect the technical parameters of the grant of OC, however the final decision in the matter may kindly be taken at Directorate level.</p>

352

Sr. No.	Issues raised	Reply by representative of Developer	Comments of this office.
3	The objectors alleged that the developer has obtained additional license for approx. 1.5 acres area. The said additional license area shall be separate from the current Group Housing colony and boundary wall of the existing group housing project, excluding the additional licensed land shall be constructed for safety and security of the Residents.	The additional licensed land is part of said Group Housing Colony and area of the existing AGH colony can be increased by way of additional license, as per the Policy of the Department. Further, it is assured that while getting the building Plans of said additional area sanctioned from the Department, objections/suggestions will be invited from all the existing allottees as mandated in the Departmental Policy dated 25.01.2021.	This office agrees with the view of the colonizer and the objection is not relevant for the instant case of grant of Occupation Certificate.
4.	The objectors alleged that the circulation roads in some areas have not been constructed.	There is proper access to all the towers and all balance circulations roads will be constructed before the Grant of Completion Certificate.	This office agrees with the view of the colonizer and the objection is not relevant for the instant case of grant of Occupation Certificate.
5	The objectors alleged that the Building Plans uploaded on the website were too complicated for a layman to understand. Therefore, it is requested that detailed tower wise Building Plans along with deviations shall be placed at Site for all the examination by all the allottees for one week and a list of deviations from sanctioned Building Plans be provided by the Developer, so that they give their objections/ suggestions.	The Representative of the coloniser agrees to the same. But, the same shall only be done once decision on in-principal approval and Public Notice is received from HQ.	The representative of the coloniser agreed to the request of the objectors. However, decision regarding condition no. (i) of in-principal approval and Public Notice maybe taken at HQ, so that further necessary action be taken by this office.

The meeting ended with vote of thanks to the participants.

Received by Email dated 05/07/2021 from Senior Town Planner, Gurugram