



HARERA
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HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

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PROCEEDINGS OF THE DAY

Day and Date	Friday and 02.08.2024
Complaint No.	CR/1123/2022 Case titled as Pratibha Khan and Afjal Ahmad Khan VS Vatika Limited
Complainant	Pratibha Khan and Afjal Ahmad Khan
Represented through	Ms. Prayaga Patel Junior counsel of the main counsel Shri Siddharth Sharma Advocate
Respondent	Vatika Limited
Respondent Represented through	Ms. Ankur Berry Advocate
Last date of hearing	19.07.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint was filed on 24.03.2022 and the reply was received on 13.07.2022.

Succinct facts of the case as per pleadings and annexures are as under:

S.no.	Particulars	Details
1.	Name of the project	Vatika Inxt City Center at Sector 83, Gurugram, Haryana
2.	Nature of the project	Commercial colony
3.	Project area	10.718 acres
4.	DTCP license no.	122 of 2008 dated 14.06.2008 valid up to 13.06.2016



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CR/123/2022

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5.	Name of licensee	Trishul Industries
6.	RERA Registered/ not registered	Not Registered
7.	Date of builder buyer agreement	Not dated [pg. 18 of complaint]
8.	Date of addendum to the agreement	18.08.2011 [pg. 35 of complaint]
9.	Unit no.	478, 4 th floor, measuring 500 sq. ft. [pg. 21 of complaint]
10.	Relocation of unit	08.12.2011 (project changed from trade centre to Inxt city centre) [pg. 36 of complaint]
11.	Allocation of unit	No letter attached
12.	Possession clause	2 <i>The developer shall complete the construction of the said complex within 3 years from the date of execution of this agreement. Further the allottee has paid full sale consideration on signing of this agreement, the developer further undertakes to make payment as per annexure A per sq. ft. of super area per month by way of committed return for the period of construction, which the allottee duly accepts. In the event of a time overrun in completion of the said complex the developer shall continue to pay to the allottee the within mentioned assured return until the unit is offered by the developer for possession.</i>
13.	Due date of completion of construction	18.08.2014
14.	Date of addendum to the agreement w.r.t. inxt	Not dated [pg. 37 of complaint]



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15.	Assured return clause	<i>The allottee is entitled for assured return w.e.f. 18.08.2011 @ ₹ 71.50/- per sq. ft. till completion of building and ₹ 65/- per sq. ft. after completion till 3 years or the unit is put on lease whichever is earlier.</i>
16.	Total Sale Consideration	₹ 21,93,750/- [pg. 21 of complaint]
17.	Paid up amount as per BBA	₹ 21,93,750/- [pg. 21 of complaint]
18.	Offer of possession	Not offered
19.	Occupation certificate	Not obtained
20.	Assured return paid till October 2018	₹ 1,62,500/- [pg. 37 of reply]
21.	Mail sent for stopping assured return w.r.t. unit no. 142	30.11.2018 [pg. 11 of WS dated 20.06.2024]

The complainant has sought following relief:

- 1. Hand over the possession & DPC**
- 2. Direct the respondent to execute sale deed.**
- 3. Direct the respondent to pay assured return as per addendum.**
- 4. Direct the respondent to strike down the impugn clauses under BBA & addendum.**

Ms. Prayaga Patel junior counsel of the main counsel Shri Siddharth Sharma Advocate has filed an authority letter from main counsel Shri Siddharth Sharma Advocate for arguing the matter before the authority.

The counsel for the complainant appearing on behalf of main counsel Shri Siddharth Sharma Adv. has filed certain judgments of the authority in which assured return has been allowed by the Authority by the Bench of Hon'ble Shri Ashok Sangwan - Member in CR No.3607/2023 and 4638/2023 and decided on 24.07.2024. Further details of allottees in a tabular form w.r.t consideration, date of agreement due date of possession and the relief have been filed, copy of the same shall be supplied to the counsel for the



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respondent today itself and while asked by the authority the counsel for the respondent categorically stated that she has no objection in this regard.

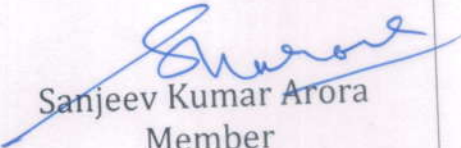
The counsel for the respondent has filed copy of the order of Hon'ble UP Appellate Tribunal, copy of the order of NCLT which is dated 07.06.2024 and copy of the order of the authority itself and submits that the same be considered before passing any order in this matter.

Arguments heard.

Order reserved.

Both the parties are at liberty to file written submissions within one week if they wish to do so.

Matter to come up on 16.08.2024 for pronouncement of order.


Sanjeev Kumar Arora
Member
02.08.2024