

PROCEEDINGS OF THE DAY		9
Day and Date	Wednesday and 02.04.2025	
Complaint No.	MA NO. 175/2025 in CR/1134/2024 Case titled as Anil Sachdeva VS Vatika Limited	
Complainant	Anil Sachdeva	
Represented through	Shri Harshit Goyal Advocate	
Respondent	Vatika Limited	
Respondent Represented	Ms. Ankur Berry Advocate	
Last date of hearing	Application u/s 36 of the Act/19.3.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The present complaint was filed by the complainant on 18.04.2024 and reply on behalf of the respondent was received on 24.07.2024. Further, a rejoinder dated 09.10.2024 has also been filed by the complainant.		
Meanwhile, an application under Section 36 of the Act of 2016 has been filed by the complainant, who is a senior citizen aged 72 years on 28.02.2025 seeking directions to refrain the respondent from creating third party rights and maintain status quo with respect to the booked unit no. E-007. The complainant is an allottee of the project namely “INXT City Center” situated at Sector 83, Gurugram proposed to be developed by the respondent. The complainant was allotted unit no. E-007, tower E, admeasuring 1395 sq. ft in the of the respondent. The builder buyer agreement was duly executed between the parties on 17.01.2017.		
Further, the respondent company representatives are constantly threatening the complainant by making telephonic calls that unlawful cancellation letter will be issued with respect to the booked unit for purpose of higher financial gain from sale of said unit to some prospective buyer. Irreparable loss and		



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

MANO 1572025 in CRP/134/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

damage shall be caused to the complainant in case respondent company is not restrained from creation of third-party rights and maintain status quo in respect of booked units. The complainant has already paid sale consideration of Rs 90,54,007/- out of agreed total sale consideration of Rs 1,02,22,297/- as per agreed payment plan mentioned in the agreement dated 17.01.2017. As per agreed payment plan, 70% of the sale consideration was payable by complainant on issuance of offer of possession by respondent. However, the respondent has failed to obtain occupation certificate and issue offer of possession in respect of booked unit in favor of complainant till date.

Also, the unit allotted to the complainant is independent and lockable unit bounded by permanent RCC walls on all 4 sides with entry and exit points. It is not a virtual space forming part of any larger commercial space. The agreed layout plan of the unit is mentioned on page no 23 of the agreement dated 17.01.2017 duly signed by both the parties. The allotted unit is earmarked for bank usage and said layout plan also shows compactor area with strong base for locker room of Bank Branch. The unit was booked by complainant for purpose of self-use for purpose of doing personal business activities. It is specifically mentioned and endorsed on page no 15 of builder buyer agreement that clause 12 of the builder buyer agreement dated 17.01.2017 in respect of assured return and leasing arrangement is not applicable in this case.

On the last date of hearing, the counsel for the respondent had stated that she had not received the copy of application u/s 36 of the Act, 2016 and the counsel for the complainant was directed to hand over the copy of the same that day itself. The counsel for the complainant states at bar that a copy of the application was handed over to the counsel for the respondent on the same day.

No reply has been filed to the application for interim relief and nor has any one appeared on behalf of the respondent today.



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The respondent is directed to maintain status quo on the unit of the complainant and not to create third party rights till the disposal of the complaint. Application u/s 36 of the Act stands disposed of.

Later, during the day Ms. Ankur Berry has appeared on behalf of the respondent and submitted that she may be given an opportunity of being heard before confirming the interim directions.

Matter to come up on **21.05.2025** for final arguments. No further opportunity shall be granted.

Ashok Sangwan
Member
02.04.2025