

PROCEEDINGS OF THE DAY		6
Day and Date	Thursday and 12.01.2023	
Complaint No.	CR/1270/2020 Case titled as RAJ KUMAR Vs VATIKA LIMITED	
Complainant	RAJ KUMAR	
Represented through	Shri Raghuvinder Singh Advocate	
Respondent	VATIKA LIMITED	
Respondent Represented	Shri Pankaj Chandola and Mayank Grover Advocates	
Last date of hearing	10.11.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was filed on 19.03.2020 with the adjudicating officer and the reply on behalf of respondent was not received. On the last date of hearing, respondent stated at bar that on 30.09.2022, the respondent promoter has filed an application for de-registration of the project along with the detailed proposal for refund of the amount deposited by the allottee.

The counsel for the respondent has supplied a copy of reply to the counsel for the complainant alongwith cost of **Rs.5,000/-** paid to the complainant.

Succinct facts of the complaint: -

S. N.	Particulars	Details
1.	Name and location of the project	"Tranquil heights", Sector-82A, Gurugram
2.	Project area	22646.2 sq. meters
3.	Nature of the project	Group housing colony



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
CR/12/10/2020

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

4.	DTCP license no. and validity status	22 of 2011 dated 24.03.2011 valid upto 23.03.2017
5.	Name of the Licensee	Stanway Developers Pvt. Ltd. and anr.
6.	RERA registered/ not registered and validity status	Registered Registered vide no. 359 of 2017 dated 02.11.2017 Valid upto 30.04.2021
7.	Unit no.	Tower K- 1603 (Page 26 of complaint)
8.	Unit area admeasuring	2265 sq. ft. (Page 26 of complaint)
9.	Allotment letter	14.05.2015 (Page 42 of complaint)
10.	Date of buyer agreement	01.10.2015 (Page 25 of complaint)
11.	Possession clause	<i>13. THE developer based on its present plans and estimates and subject to all just exceptions, contemplates to complete construction of the said building/said apartment within a period of 48 months from the date of execution of this agreement...</i>
12.	Due date of possession	01.10.2019 (Calculated from date of execution of buyer agreement.)
13.	Total sale consideration	Rs. 1,54,04,265/- (Page 26 of complaint)



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14.	Amount paid by the complainants	Rs. 33,64,907/- (Page 43 of complaint)
15.	Occupation certificate	Not occupied <i>obtained</i>
16.	Offer of possession	Not offered


The complainant has sought following relief:


The counsel for the complainant states that the complaint was filed on 19.03.2020 and it is after almost 3 years that the respondent has taken the pains to file the reply while there is no construction work or physical progress being done at the site and the respondent promoter has already filed an application before the authority for de-registration of the project alongwith proposal for making refund to the allottees and hence, the complainant allottee cannot be expected to wait endlessly and hence, is seeking full refund alongwith prescribed rate of interest and shall separately seek compensation from the Adjudicating Officer.

The counsel for the respondent states that the application stands filed before the Authority for de-registration of the project and is ready to refund the amount to the complainant allottee. The AR of the respondent company confirms that no construction work is being undertaken or being continued at the site in view of the application already filed before the Authority for de-registration of the project and hence, no date for completion of the project can be specified at this stage.

In view of the above, the refund is allowed of the amount of **Rs.33,64,907/-** deposited by the complainant - allottee alongwith the prescribed rate of interest i.e. 10.60% per annum from the date of deposit till its realization.

Complaint stands disposed of. Detailed order will follow. File be consigned to the registry.


Sanjeev Kumar Arora
Member


Vijay Kumar Goyal
Member
12.01.2023