

<b>PROCEEDINGS OF THE DAY</b>		<b>28</b>
Day and Date	Tuesday and 07.02.2023	
Complaint No.	CR/1557/2022 Case titled as Virender Singh Dadhwal and Deepa Dhadhwal Vs VATIKA LIMITED	
Complainant	Virender Singh Dadhwal and Deepa Dhadhwal	
Represented through	Shri Sukhbir Yadav Advocate	
Respondent	VATIKA LIMITED	
Respondent Represented through	S/Shri Venket Rao and Pankaj Chandola Advocates	
Last date of hearing	19.10.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

### Proceedings

The present complaint has been filed on **12.04.2022** and the reply has been received on 12.10.2022.

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

S. N.	Particulars	Details
1.	Name of the project	Seven Elements, Sector 89A, Gurgaon-Manesar, Haryana.
2.	Project area	14.30 acres
3.	Nature of the project	Group housing colony
4.	DTCP license no.	<b>41 of 2013 dated 06.06.2013</b>
	Validity of license	<b>05.06.2017</b>
5.	Name of the licensee	<b>Strong Infrabuild Pvt. Ltd. &amp; Anr.</b>



**HARERA**  
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**HARYANA REAL ESTATE REGULATORY AUTHORITY**  
**GURUGRAM**

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/155/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

6.	Rera registered/not registered	<b>Registered vide memo no. 281 of 2017</b>
7.	RERA registration valid up to	<b>31.03.2011</b>
8.	Allotment letter	19.12.2013 (annexure P4, page 39 of complaint)
9.	Unit details	801, building A4 (page 39 of complaint)
10.	Unit area admeasuring	2100 sq. ft
11.	Date of execution of BBA	15.12.2014 (page 47 of complaint)
12.	Possession clause	<b>13. Schedule for possession of the said apartment.</b> The developer based on its present plans and estimated and subject to all just exceptions, contemplates to <b>complete construction of this said building/said apartment within a period of 48 months from the date of execution of this agreement</b> unless there shall be delay or there shall be failure due to reasons mentioned in clauses 14 to 17 & 37 or due to failure of allottee(s) to pay in time the price of the said apartment along with all other charges and dues in accordance with the schedule of payments given in annexure -I or as per the demands raised by the developer from time to time or any failure on the part of the allottee(s) to abide by any of the terms or conditions of this agreement <b>Emphasised supplied</b> (page 57 of complaint)
13.	Due date of possession	15.12.2018
14.	Total basic sale price as per SOA dated 18.08.2022	Rs.1,64,75,741/-



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	(annexure R2 of reply)	
	Total sale consideration as per SOA dated 18.08.2022 (annexure R2 of reply)	Rs. 1,47,34,500/-
15.	Amount paid by the complainant as per SOA dated 18.08.2022 (annexure R2 of reply)	Rs. 1,41,31,048/-
16.	Occupation certificate/ Completion certificate	Not received
17.	Offer of possession	Not offered

The counsel for the complainant states that the unit in question was allotted on 19.12.2013 and the due date for offer of possession was 15.12.2018. The complainant has already paid an amount of Rs. 1,41,31,048/- against a total sale consideration of Rs.1,64,75,741/- (as per statement of account dated 18.08.2022). The OC of the project has not been received as yet and the complainant wishes to withdraw and is seeking full refund of the amount deposited with interest.

The counsel for the respondent confirms that OC for the project has not yet been received.

Arguments heard.

Refund is allowed with interest as prescribed under the Act of 2016.

Matter stands disposed off. Detailed order will follow. File be consigned to the registry.

  
Sanjeev Kumar Arora  
Member

  
Ashok Sangwan  
Member  
07.02.2023