



**HARERA**  
**GURUGRAM**

**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

**PROCEEDINGS OF THE DAY**

**32**

Day and Date

Tuesday and 28.02.2023

Complaint No.

CR/171/2022 Case titled as Mrs. Sumit Johal Vs Vatika Limited

Complainant

Mrs. Sumit Johal

Represented through

Shri Gaurav Rawat Advocate

Respondent

Vatika Limited

Respondent Represented

S/Shri Venket Rao, Pankaj Chandola and Mayank Grover Advocates

Last date of hearing

28.10.2022

Proceeding Recorded by

Naresh Kumari and HR Mehta

**Proceedings**

The counsel for the complainant states that the complainant booked the unit with the respondent and has paid an amount of Rs.22,72,000 lakhs against the sale consideration of Rs. 46,20,000/-. Despite having received a substantial amount, the respondent has not signed the BBA with the complainant and neither has respondent given any due date for handing over of the possession. Further, the assured return promised in the allotment letter has also not been paid.

The counsel for the respondent states that the matter with respect to the jurisdiction of this authority in respect of assured returns has been challenged in the Hon'ble High Court of Punjab and Haryana and is listed for hearing on 17.5.2023. Further, he draws attention to orders of UP Appellate Tribunal as well as Rajasthan RERA bearing appeal no.211/2022 titled as Neena Gupta Versus One place infrastructure Pvt. Ltd. and case RERA/GC no.0265/2021 titled as Lalita Chauhan Versus Gupta Builders and Promoters Pvt. Ltd. respectively wherein it has been held that the issues of assured returns do not fall under the jurisdiction of the Real Estate Regulatory Authority.



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CR/171/2022

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In view of the above submissions, it is prayed that the matter may be adjourned till the law is settled in the issue.

The counsel for the respondent further states that the BBA is yet to be executed. Further, the complainant is seeking assured return as well as delayed possession charges and both can not be awarded in the matter.

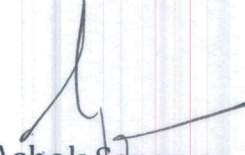
Counsel for the complainant states that the complainant wishes to seek the relief of assured return out of the two.

Arguments heard.

Order reserved.

Matter to come up on 09.05.2023 for pronouncement of order.

  
Sanjeev Kumar Arora  
Member

  
Ashok Sangwan  
Member  
28.02.2023