

PROCEEDINGS OF THE DAY
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Day and Date	Tuesday and 24.09.2024
Complaint No.	CR/1794/2022 Case titled as Manoj Kumar Dahiya and Alka Devi VS Vatika Limited
Complainant	Manoj Kumar Dahiya and Alka Devi
Represented through	Shri Yogesh Goel Advocate
Respondent	Vatika Limited
Respondent Represented	Ms. Dhruv Dutt Sharma Advocate
Last date of hearing	09.08.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaints have been received on 11.05.2022 and the reply on behalf of respondent was received on 08.09.2022.

On 09.02.2024 the respondent was directed to file an affidavit that no unit is available in the same project that was to be submitted within 3 weeks i.e., by 01.03.2024. An affidavit by the AR of the Respondent company with no BOR has been filed by the respondent on 17.05.2024.

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

S.N.	Particulars	Details
1.	Name of the project	Vatika India Next-Gurgaon at sector 82, Vatika India Next
2.	Date of builder buyer agreement	28.04.2011 (Page 36 of complaint)
3.	Plot no.	16, first floor, third street block E admeasuring 1094.21 sq. ft. (Page 39 of complaint)
	New Plot no.	17, ST.J-1.3, level 2



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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. हा. विभाग गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

		Admeasuring 1305 sq. ft. (page 116 of complaint)
4.	Possession clause	10.1 Schedule for possession of the said unit The company based on its present plans and estimates and subject to all just exceptions, contemplates to complete construction of the said unit within a period of three years from the date of execution of this agreement. However, in case of the company is not able to adhere to the said time frame, it shall be entitled to reasonable extension of time for completing the construction, unless there shall be delay or there shall be failure due to reasons mentioned in clause (12.1),(12.2),(12.3) and clause (38) or due to failure of applicant(s) to pay in time the price of the said unit along with all other charges and dues in accordance with the schedule of payments given herein in annexure iii or as per the demands raised by the company from time to time or any failure on the part of the applicant(s) to abide by any of the terms or conditions of this agreement. (Emphasis supplied)
5.	Due date of possession	28.04.2014
6.	Total sale consideration	Rs. 37,29,545/-as per statement of account dated 23.08.2017 (annexure P5, page 94 of complaint)
7.	Total amount paid by the complainants	Rs. 13,15,340/- as per statement of account dated 23.08.2017 (annexure P5, page 94 of complaint)
8.	Notice for termination	31.07.2021 (page 119 of complaint) Due to GAIL pipeline and unavoidable reasons



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		like non- acquisition of sector road by HUDA
9.	Offer of possession	Not offered
10.	Completion certificate	Not obtained

The counsel for the complainant is seeking delayed possession charges and physical possession of the unit for which due date of possession was 28.4.2014. The complainant further states that the respondent has cancelled the unit on 31.7.2021 due to passing GAIL pipeline in the project.

The counsel for the respondent states that the unit is not available as the same has already been cancelled on 31.7.2021 due to GAIL Corridor which passes to the project and the respondent is ready to give the refund of the deposited amount alongwith prescribed rate of interest. Further stated that an alternate unit was offered to the complainant on 11.5.2017 but the complainant has not accepted the same.

Arguments heard.

Order reserved.

Matter to come up on **26.11.2024** for pronouncement of order.

Ashok Sangwan
Member

Arun Kumar
Chairman
24.09.2024

V. I - 3
Vijay Kumar Goyal
Member