



HARERA
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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.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY

43

Day and Date	Tuesday and 28.02.2023
Complaint No.	CR/1860/2022 Case titled as Shani Johar Vs Vatika Limited
Complainant	Shani Johar
Represented through	Shri Sonal Anand Advocate
Respondent	Vatika Limited
Respondent Represented	Ms. Ankur Berry Advocate
Last date of hearing	28.10.2022
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The counsel for the complainant draws attention towards the order passed by this authority in CR No.5156 of 2021 in which relief has been granted with respect to the same project and grounds.

Counsel for the complainant further states that the complainant booked the unit with the respondent and has paid an amount of Rs.24,50,000/- against the sale consideration of Rs. 24,50,000/-. 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. 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



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Authority.

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.

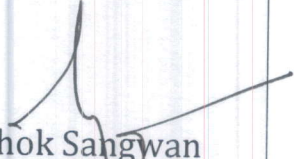
Counsel for the complainant states that the complainant wishes to seek the relief of assured return out.

Arguments heard.

Order reserved.

Matter to come up on 23.05.2023 for pronouncement of order.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member
28.02.2023