

<b>PROCEEDINGS OF THE DAY</b>		<b>74</b>
Day and Date	Friday and 05.04.2024	
Complaint No.	CR/1915/2023 Case titled as Dr. Sunil Trakru and Dr. Jyoti Raina VS Vatika Limited & Gautam Bhala and Anil Bhala	
Complainant	Dr. Sunil Trakru and Dr. Jyoti Raina	
Represented through	Ms. Aditya Laxman Advocate	
Respondent	Vatika Limited & Gautam Bhala and Anil Bhala	
Respondent Represented	Shri Gunjan Kumar Advocate	
Last date of hearing	22.12.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

#### Proceedings

The present complaint has been filed on 05.05.2023 and the reply has been filed by the respondent on 06.10.2023.

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

S.no.	Particulars	Details
1.	Name of the project	Vatika Inxt City Center at Sector 83, Gurugram, Haryana
2.	Nature of the project	Commercial colony
3.	Project area	6 acres
4.	DTCP license no.	258 of 2007 dated 19.11.2007 license migrated from commercial in residential



HARERA  
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY  
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CA/1915/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

		zone to commercial plotted colony vide order dated 13.10.2022.
5.	Name of licensee	M/s Shivam Infratech Pvt. Ltd.
6.	RERA Registered/ not registered	Not Registered *Since the project is not registered the registration branch may take the necessary action under the provisions of the Act, 2016
7.	Date of builder buyer agreement	not dated
8.	Date of addendum to the agreement	04.04.2011 [pg. 50 of complaint]
9.	Unit no.	937, 9 <sup>th</sup> floor, Block F (page 54 of complaint)
10.	Relocation of unit	27.07.2011 (project changed from trade centre to Inxt city centre) [pg. 51 of complaint]
11.	Allocation of unit	17.09.2013 [pg. 54 of complaint]
12.	Possession clause stands deleted as per amendment agreement dated 11.09.2019 (Not signed)	2 <i>The developer shall complete the construction of the said complex <b>within 3 years from the date of execution of this agreement.</b> Further the allottee has paid full sale consideration on signing of this agreement, the developer further undertakes to make payment as per annexure A per sq. ft. of super area per month by way of committed return for the period of construction, which the allottee duly accepts. In the event of a time overrun in completion of the said complex the developer shall continue to pay to the allottee the within mentioned assured return until the unit is offered by the developer for possession.</i>

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016  
भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण



HARERA  
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY  
GURUGRAM

हरियाणा भू-संपदा विनियमक प्राधिकरण, गुरुग्राम  
CA/1915/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम हरियाणा

13.	Due date of possession	04.04.2014
14.	Date of addendum to the agreement w.r.t. inxt not signed	11.09.2019 [pg. 60 of complaint]
15.	Total Sale Consideration	₹ 25,00,000/- [pg. 42 of complaint]
16.	Paid up amount as per BBA	₹ 25,00,000/- [pg. 42 of complaint]
17.	Offer of possession	Not offered
18.	Occupation certificate	Not obtained
19.	Assured return clause vide addendum dated 04.04.2011	Till offer of possession Rs. 71.50/- After completion of building Rs. 65.00/-
20.	assured return paid till	September 2018
21.	Assured return paid	₹ 31,91,175/-

The counsel for the complainants states that the complainants had paid entire consideration way back in the year 2011 and respondent was obligated to pay assured return which they stopped paying after September 2018 and hence, they have filed this complaint for seeking DPC, assured return and CD.

The counsel for the respondent wishes to file an application for deletion of names of respondent No.2 & 3 and requests for a short adjournment. Request



HARERA  
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY  
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

05/04/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

is allowed. The respondent No.1 is directed to file an application within one week after supplying a copy of the same to the complainant.

Matter to come up on **31.05.2024** for further proceedings.

Sanjeev Kumar Arora

Member

05.04.2024