

PROCEEDINGS OF THE DAY		20																		
Day and Date	Wednesday and 11.10.2023																			
Complaint No.	CR/1956/2022 Case titled as Rishi Gandotra and Gaurav Gandotra Vs VATIKA LIMITED																			
Complainant	Rishi Gandotra and Gaurav Gandotra																			
Represented through	Shri Amitabh Narayan Advocate																			
Respondent	VATIKA LIMITED																			
Respondent Represented	Ms. Ankur Berry Advocate																			
Last date of hearing	31.05.2023																			
Proceeding Recorded by	Naresh Kumari																			
Proceedings The present complaint was filed on 05.05.2022 and the reply on behalf of the respondent was received on 03.11.2022. Succinct facts of the complaint: - <table><tr><th>S. N.</th><th>Particulars</th><th>Details</th></tr><tr><td>1.</td><td>Name and location of the project</td><td>"Vatika INXT City Center", village Shikohpur, Tehsil Manesar, Distt. Gurgaon, Sector 83, Gurgaon Manesar Urban Complex.</td></tr><tr><td>2.</td><td>Project area</td><td>10.72 acres</td></tr><tr><td>3.</td><td>Nature of the project</td><td>Commercial complex</td></tr><tr><td>4.</td><td>DTCP license no. and validity status</td><td>122 of 2008 dated 14.06.2008 valid upto 13.06.2018</td></tr><tr><td>5.</td><td>Name of the Licensee</td><td>M/s Trishul Industries</td></tr></table>			S. N.	Particulars	Details	1.	Name and location of the project	"Vatika INXT City Center", village Shikohpur, Tehsil Manesar, Distt. Gurgaon, Sector 83, Gurgaon Manesar Urban Complex.	2.	Project area	10.72 acres	3.	Nature of the project	Commercial complex	4.	DTCP license no. and validity status	122 of 2008 dated 14.06.2008 valid upto 13.06.2018	5.	Name of the Licensee	M/s Trishul Industries
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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

6.	RERA registered/ not registered and validity status	Not Registered
7.	Date of allotment	29.04.2016 (annexure C, page 56 of complaint)
8.	Unit no.	1120, 11 th floor, block F (Page 56 of complaint)
9.	Unit area admeasuring	500 sq.ft. (Page 29 of complaint)
10.	Date of agreement	23.05.2016 (page 27 of complaint)
11.	Due date of possession	Cannot be ascertained
12.	Total sale consideration	17,50,000/- (as alleged by the complainant)
13.	Amount paid by the complainants	17,50,000/- (as alleged by the complainant)
14.	Date of occupation certificate	Not obtained
15.	Date of offer of possession	Not offered

The complainant is seeking refund of the deposited amount against the allotted unit on failure of the respondent to hand over the possession of the unit in terms of the agreement dated 23.05.2016. The unit was allotted vide allotment letter dated 29.04.2016 and the OC for the project is yet to be received.

The counsel for the respondent states that she wishes to place on record certain documents/communications made by the respondent with the complainant after enactment of BUDS Ordinance/Act, 2018/2019. She refers to email dated 31.10.2018 stating that the respondent has suspended sales pertaining to properties with assured return. Further, vide email dated 30.11.2018, the complainant was informed about the changes occurring in the regulatory framework and bill tabled in the parliament w.r.t banning of



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unregulated deposits. It was further informed that the respondent shall not be paying assured return and was reconciled the account by March/June, 2019. She further states that though the OC has not been received for the project, the same is under process. The matter regarding the issue of assured return is under challenged before the Hon'ble High Court.

Arguments heard.

Both the parties may file written submissions within a period of 2 weeks with an advance copy to each other.

Order reserved.

Matter to come up on **20.12.2023** for pronouncement of order.

Ashok Sangwan
Member
11.10.2023