

PROCEEDINGS OF THE DAY		27
Day and Date	Wednesday and 18.10.2023	
Complaint No.	CR/241/2022 Case titled as Kiran Mandal V/s VATIKA ONE INDIA NEXT PVT LTD	
Complainant	Kiran Mandal	
Represented through	Shri Vaibhav Sandeep Advocate	
Respondent	VATIKA ONE INDIA NEXT PVT LTD	
Respondent Represented	Ms. Ankur Berry Advocate	
Last date of hearing	24.05.2023	
Proceeding Recorded by	Naresh Kumari	
Proceedings		
The present complaint was received on 31.01.2022 and the reply was received on 16.01.2023. The counsel for the complainant draws attention of the authority to the “understanding” dated 28.01.2021 at Annexure C9 page 59 to 67 of the complaint wherein it was agreed between the parties that all the requests of the complainant refund of an amount of Rs.3,97,80,000/- alongwith an amount of Rs.47, 73,600/- would be made by the respondent company in tranches as provided in para No.3 of the said document. However, the respondent has only paid an amount Rs.1,80,00,000/- as the first instalment and thereafter has failed to abide by the terms of the Understanding. Further, as per para No.4 of the said document, it is stated that in the event the company fails to make payments as per the given timeline, it shall be liable to compensate the complainant by paying 10% interest on the remaining balance. He states that the complainant is seeking refund of the amount deposited under section 18 of the Act, 2016. The counsel for the respondent states that the complainant is not an allottee any more and the relief being sought by the complainant is not covered under		

any clause of Section 18 of the Act, 2016. She further states that the Understanding between the parties can only be adjudicated as a Civil matter of Specific Performance.

Arguments heard.

Order reserved.

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

Matter to come up on **03.01.2024** for pronouncement of order.

Ashok Sangwan
Member
18.10.2023