

PROCEEDINGS OF THE DAY		31
Day and Date	Thursday and 10.11.2022	
Complaint No.	CR/3165/2021 Case titled as PARUL UPADHYAY Vs VATIKA LIMITED	
Complainant	PARUL UPADHYAY	
Represented through	Shri Saurabh Gauba Advocate	
Respondent	VATIKA LIMITED	
Respondent Represented through	Shri Harshit Batra Advocate (POA filed today)	
Last date of hearing	09.08.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was filed in 2021 . Reply has not yet been filed by the respondent.

The counsel for the respondent has moved an application for mediation alongwith fee of Rs.5,000/- for amicable settlement of the dispute with the complainant.

1. In view of provisions of section 25 read with section 32(g) of the Real Estate (Regulation and Development) Act, 2016. wherein the Authority is empowered to facilitate the growth and promotions of a healthy, transparent, efficient and competitive real estate sector, it is necessary to take measures to facilitate amicable conciliation of dispute between the promoters and the allottees. A representation from **VATIKA LIMITED** for settlement has been received. In order to save time and money, it appears to the Authority that there exist elements of settlement of dispute which may be acceptable to the parties, The Authority hereby orders mediation under section 89 Code of Civil Procedure, 1908 in cases as given in annexure A through this referral order.



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HARYANA REAL ESTATE REGULATORY AUTHORITY
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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

2. In order to prevent any misuse of the provision for mediation by causing delay in the proceedings/disposal of the case, the Authority while referring the matters for mediation, has decided to post the case for further proceedings on **22.12.2022** and hereby grant time to complete the mediation process within this reasonable time.

3. As held by the Supreme Court of India in **Afcons Infrastructure Ltd. and Anr. V. Cherian Varkey Construction Co. Pvt. Ltd. and Ors. (2010) 8 Supreme Court Cases 24**, having regard to their nature.

"All suits and cases of civil nature in particular the following categories of cases (whether pending in civil courts or other special tribunals/forums) are normally suitable for ADR processes:

- (i) All cases relating to trade, commerce and contracts, including
- Disputes arising out of contracts (including all money suits);
 - Disputes relating to specific performance;
 - Disputes between suppliers and customers;
 - Disputes between bankers and customers;
 - Disputes between developers/ builders and customers;
 - Disputes between landlords and tenants/ licensors and licensees;
 - Disputes between insurer and insured.

4. The Authority hereby orders that the mediation reports be placed before the Authority for passing consequential orders. The parties are directed to remain present personally or through their authorized representative in the proceedings before the Authority.

5. If the agreement is found to be lawful and enforceable, the Authority will act upon the terms and conditions of the agreement and pass consequential orders. To overcome any technical or procedural difficulty in implementing the settlement between the parties, it is open to the Authority to modify or amend the terms of settlement with the consent of the parties.

Both the parties are directed to appear before the mediation forum headed by Shri Rajinder Kumar, Adjudicating Officer consisting of the following mediator on **2.12.2022:-**

1. Shri Ajit Singh, Legal Officer

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियामन और विकास) अधिनियम, 2016 की धारा 20 के अर्तगत गठित प्राधिकरण

भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



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However, it is made clear to the parties that if the matter is not settled in the mediation, the respondent shall file the reply within a period of one week and the matter shall be decided on merits on the next date of hearing.

Matter to come up on 22.12.2022 for further proceedings.


Sanjeev Kumar Afora
Member


Ashok Sangwan
Member


Vijay Kumar Goyal
Member
10.11.2022