



HARERA
GURUGRAM

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

35

Day and Date	Tuesday and 15.07.2025
Complaint No.	CR/3623/2023 Case titled as Pratibha Khan and Afzal Ahmed VS Vatika Limited
Complainant	Pratibha Khan and Afzal Ahmed
Represented through	Shri Gaurav Rawat Advocate
Respondent	Vatika Limited
Respondent Represented through	Shri Anshul Sharma Advocate
Last date of hearing	01.04.2025
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The Present complaint was filed on 16.08.2023 and the reply on behalf of respondent was received on 14.12.2023.

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

S. N.	Particulars	Details
1.	Name and location of the project	"High Street by INXT" at Sector-83, Gurugram.
2.	Project area	14918.258 sq. mtrs.
3.	Nature of Project	Commercial Complex
4.	DTCP license no. and validity status	113 of 2008 dated 01.06.2008 Valid upto 31.05.2018
5.	Name of Licensee	C/o M/s Vatika Limited
6.	Rera registered/ not registered and validity status	Registered Vide no. 263 of 2017 dated 03.10.2017 Valid upto 02.10.2022 (Lapsed Project)
7.	Unit No.	123, 1 st Floor, (page 42 of complaint)
8.	Unit area admeasuring (Super Area)	975 sq. ft. (page 42 of complaint)



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9.	Application form	03.08.2016 (as alleged in complaint at page 37 of compliant)
10.	Allotment letter	07.09.2016 (page 42 of complaint)
11.	Date of buyer agreement	Not Executed
12.	Possession clause	NA
13.	Due date of possession	07.09.2019 <i>"Fortune Infrastructure and Ors. vs. Trevor D'Lima and Ors. (12.03.2018-SC); MANU/SC/0253/2018 Hon'ble Apex Court observed that "a person cannot be made to wait indefinitely for the possession of the flats allotted to them and they are entitled to seek the refund of the amount paid by them, along with compensation. Although we are aware of the fact that when there was no delivery period stipulated in the agreement, a reasonable time has to be taken into consideration. In the facts and circumstances of this case, a time period of 3 years would have been reasonable for completion of the contract."</i> In view of the above-mentioned reasoning, the date of the allotment letter dated 07.09.2016 ought to be taken as the date for calculating the due date of possession. Therefore, the due date for handing over the possession of the unit comes out to be 07.09.2019.
14.	Assured return clause	3 of Allotment letter <i>"The developer shall remit an assured monthly return of Rs.81.66/- per sq. ft. till completion of the building."</i>
15.	Total Sale Consideration	Rs.68,25,000/- (as rate Rs.7,000/- per sq. ft. mentioned in the allotment letter at page 42 of complaint)
16.	Amount paid by complainant	Rs.50,56,625/- (as alleged by the complainant at page 38 of compliant and admitted by the respondent in para no.12 in its reply)
17.	Assured return paid by respondent	Rs.24,18,380/- Till November, 2018 (as per details at page 17-20 of reply)
18.	Occupation certificate	(To be ascertained)
19.	Offer for possession	(To be ascertained)



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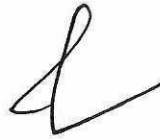
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Heard.

The respondent is directed to pay assured return to the complainant in terms of allotment letter dated 07.09.2016 @ Rs.81.66/- per sq. ft per month till completion of the building.

Detailed order will follow. Matter stands disposed off.

Ashok Sangwan
Member


Arun Kumar
Chairman
15.07.2025