

PROCEEDINGS OF THE DAY		50
Day and Date	Tuesday and 23.04.2024	
Complaint No.	CR/4089/2021 title Col. Parmod Mishra Vs. Vatika Ltd.	
Complainant	Col. Parmod Mishra	
Complainant through	Shri Dev Ashish Advocate	
Respondent	Vatika Ltd.	
Respondent Represented	Shri Dhruv Dutt Sharma Advocate	
Last date of hearing	05.03.2024	
Proceeding recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The present complaint was filed on 19.10.2021 and the reply on behalf of the respondent was filed on 21.07.2022. The present complaint was dismissed in default vide order dated 28.02.2023 and the same was restored vide order dated 06.02.2024. On 05.03.2024, the complainant present in person states that he is seeking possession of the plot alongwith delayed possession charges at the prescribed rate of interest. AR of the company present has assured that an alternative suitable unit can be offered and on assurance of the AR, the complainant was asked to visit the office of the respondent on 14.03.2024 to explore the offer of any suitable alternative unit as available with the respondent and if matter could not be amicably settled the case shall be decided on merits on next date. Complainant booked a unit bearing no. HSG-028, plot no. 27, level 2, measuring 1700 sq. ft. in Xpressions by Vatika, dwarks expressway, sector 88 B, Gurgaon vide allotment agreement dt. 06.11.2015 for a total		



HARERA
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HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

CR/4089/2021

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

consideration of Rs.1,04,39,097.50/- out of which an amount of Rs. 21,19.126/- has been paid by the complainant to respondent.

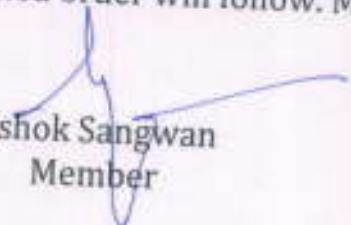
The counsel for the complainant clarifies that after payment of initial booking amount, the next payment was made on 21.12.2015 as per the payment plan annexed with the BBA which was executed on 11.08.2016. However, there is no physical progress at site as even the construction of the unit has not commenced and barren land photographs are being placed on record. One opportunity to offer alternate unit was afforded to the respondent but no specific offer of any unit has been made by the respondent till date and the counsel for the respondent clarifies the unit allotted to the complainant allottee is not available due to revision in the plan. The due date as per agreement was 11.08.2020 and 6 months additional Covid period may be allowed.

The counsel for the complainant has orally made a request seeking relief of refund of deposited amount alongwith interest alongwith compensation and litigation charges and the counsel for the respondent has no objection to the request of the refund.

Arguments heard.

In view of the above, full refund is allowed alongwith prescribed rate of interest i.e., @10.85% per annum from the date of each payment till its realization. The complainant-allottee may file separate application before Adjudicating Officer for compensation.

Detailed order will follow. Matter stands disposed of.


Ashok Sangwan
Member


Vijay Kumar Goyal
Member


Arun Kumar
Chairman
23.04.2024