PROCEEDINGS OF THE DAY	56
Day and Date	Tuesday and 11.07.2023
Complaint No.	CR/410/2023 Case titled as Sheela Devi and Hitender Kadiyan Vs Vatika Limited
Complainant	Sheela Devi and Hitender Kadiyan
Represented through	Complainant in person with Shri Pankaj Kumar Yadav, Advocate
Respondent	Vatika Limited
Respondent Represented through	Shri Dhruv Dutt Sharma Advocate
Last date of hearing	First hearing
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint has been received on 03.02.2023 and the reply on behalf of respondent was received on 03.07.2023.

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

S.N.	Particulars	Details
1.	Name of the project	Emilia in Vatika India Next, 82,82A,83,84,85, Gurgaon, Haryana
2.	Date of allotment letter	25.11.2010 (page 42 of complaint)
3.	Date of builder buyer agreement	21.04.2011 (page 49 of complaint)
4.	Plot no.	5, block E, street 2, floor second (page 42 of complaint)
5.	Due date of possession	21.04.2014

6.	Total sale consideration	Rs. 23,16,419/-
7.	Total amount paid by the complainant	Rs. 9,44,620/-
8.	Termination of builder buyer agreement	06.11.2018 (page 16 of reply)
9.	Offer of possession	Not offered
10.	Occupation certificate	Not obtained

The counsel for the complainant requests for delayed possession interest and possession of the unit booked or if the same is not available an alternate unit at the same rate and same price may be allotted.

The counsel for the respondent states that the unit has been terminated on 6.11.2018 due to non availability of the unit due to passing of gas pipe line and offer for taking refund/alternative unit was made vide letter dated 6.11.2018 but there was no response from the complainant-allottee. However , the counsel for the complainant states that the complainant made a request to the respondent to allot alternate unit at the same price and letter was duly acknowledged by the unit. Total sale consideration of the unit is Rs.27,03,123/- against which the complainant has paid only Rs. 09,44,620/-.

The complainant is willing to amend the relief in the complaint for which he has requested and the request is allowed.

Matter to come up on 28.9.2023 for final arguments.

Sanjeev Kumar Arora
Member

Vijay Kumar Goyal
Member
11.07.2023