

PROCEEDINGS OF THE DAY		85
Day and Date	Tuesday and 16.04.2024	
Complaint No.	CR/410/2023 Case titled as Sheela Devi and Hitender Kadiyan VS Vatika Limited	
Complainant	Sheela Devi and Hitender Kadiyan	
Represented through	Shri B.K. Yadav Advocate (POA filed today)	
Respondent	Vatika Limited	
Respondent Represented through	Shri Dhruv Dutt Sharma Advocate	
Last date of hearing	23.01.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was filed on 03.02.2023 and the reply on behalf of respondent was filed on 03.07.2023.

On 29.03.2024, complainant has filed a letter giving intimation of regarding non-compliance of direction of Hon'ble Authority.

On the last date of hearing i.e., 15.03.2024, the respondent was directed to offer in writing the alternate unit which they want to offer to the complainant within a period of two weeks and complainant to give his/her consent within next one week after offer of the alternative unit and to approach the respondent for signing of the BBA of that alternative unit, if the same is acceptable to both the respondent as well as the complainants. Till date respondent has not made any offer.



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CA/410/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

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.	Nature of project	Residential Colony
3.	Area of the project	182.8 acres
4.	Rera registration	Registered vide no. 36 of 2022 dated 16.05.2022 valid upto 31.03.2029
5.	DTCP License no.	113 of 2008 dated 01.06.2008 valid upto 31.05.2018
6.	Plot no.	Plot no.5, Emilia, 2 nd St. Sec-83E, VIN (page 42 of complaint)
7.	Welcome Letter	17.12.2010 (Page no. 40 of complaint)
8.	Plot no.	5, block E, street 2, 2 nd floor (page 42 of complaint)
9.	Built up area of unit	781.25 sq. ft. (page no. 52 of complaint)
10	Date of allotment letter	25.11.2010 (page 42 of complaint)
11	Date of builder buyer agreement	21.04.2011 (page 49 of complaint)
12	Possession clause	<i>Schedule for Possession of the said independent dwelling unit</i>



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		10.1 That the company based on its present plans and estimates and subject to all just exceptions, contemplates to complete construction of the said building/said independent dwelling unit within a period of three years from the date of execution of this agreement unless there shall be delay or there shall be failure due to reasons mentioned in clause(11.1), (11.2), (11.3) and clause (38) or due to failure of allottees to pay in time the price of the said independent dwelling unit along with all other charges and dues in accordance with the schedule of payments.
13	Due date of possession	21.04.2014 (calculated from the date of execution of BBA)
14	Total sale consideration	Rs. 23,16,419/- (as per BBA page 52 of complaint)
15	Total amount paid by the complainant	Rs. 9,44,620/- (as alleged by complainant page 35 of complaint) As agreed by respondent vide termination letter on page 117 of complaint)
16	Termination of builder buyer agreement	06.11.2018 (page 16 of reply) Due to GAIL pipeline
17	Offer of possession	Not offered
18	Occupation certificate	Not obtained



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Arguments heard.

Order reserved.

Matter to come up on 23.07.2024 for pronouncement of order.

Ashok Sangwan
Member

V.I-5
Vijay Kumar Goyal
Member

Arun Kumar
Chairman
16.04.2024