



**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

<b>PROCEEDINGS OF THE DAY</b>		<b>29</b>
Day and Date	Wednesday and 01.05.2024	
Complaint No.	CR/4638/2023 Case titled as Satyawati Bhardhwaj VS Vatika Limited	
Complainant	Satyawati Bhardhwaj	
Represented through	Shri Chaitanya Singhal Advocate	
Respondent	Vatika Limited	
Respondent Represented through	Ms. Ankur Berry Advocate	
Last date of hearing	28.02.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

### **Proceedings**

The present complaint was filed on 25.10.2023 and the reply on behalf of respondent was received on 01.02.2024.

Succinct facts of the complaint: -

<b>Sr. No.</b>	<b>Particulars</b>	<b>Details</b>
1.	Name and location of the project	“Vatika INXT City Center”, village Sihi, Shikohpur, Sikanderpur Badha, and Kherkidaula, Sector 81-85, Gurgaon
2.	Project area	10.72 acres
3.	Nature of the project	Commercial complex
4.	DTCP license no. and validity status	122 of 2008 dated 14.06.2008 valid upto 13.06.2018
5.	Name of the Licensee	M/s Trishul Industries
6.	RERA registered/ not registered and validity status	<b>Not Registered</b>



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

7.	Date of buyer's agreement	03.11.2009 (page 19 of complaint)
8.	Addendum to BBA	03.11.2009 (page 35 of complaint)
9.	Addendum to BBA (Relocation from Vatika Trade Centre to INXT City Centre)	30.11.2011 (page 50 of complaint)
10.	Unit no.	127, 1 <sup>st</sup> floor, Block A (Page 53 of complaint)
11.	Unit area admeasuring	1000 sq. ft. (Page 53 of complaint)
12.	Assured return clause	This unit has been sold to you with an assured monthly return of Rs.65/- per sq. ft. However during the course of construction till such time the building in which your unit is situated is ready for possession you will be paid an additional return of Rs. 13/- per sq. ft. Therefore your return payable to you shall be as follows- a) Till offer of possession Rs.78/- per sq. ft. b) After completion of the building Rs.65/- per sq. ft. (Addendum to BBA at page 35 of complaint)
13.	Assured Returns received till September, 2018	Rs. 28,47,000/- (As alleged by respondent at page 31 of reply)
14.	Total sale consideration	Rs.30,00,000/- (As per clause 2 of BBA at page 21 of complaint)
15.	Amount paid by the complainants	Rs.30,00,000/- (As per clause 2 of BBA at page 21 of complaint)



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16.	Occupation certificate	Not obtained
17.	Letter as to completion of construction sent by respondent to complainant	29.02.2016 (Page 47 of reply)

The complainant has sought following relief:

1. Assured return @ Rs.78/- per sq. ft. per month from May 2018 till date.
2. Difference of assured return amount of Rs. 13/- per sq. ft. per month from March 2016 till April 2018.
3. Interest on unpaid assured returns.
4. Assured rental of Rs.65/- per sq. ft. per month after receipt of OC and valid OOP to complainant.
5. Withdraw common area maintenance charges and interest charges upon it till the time OC is received and possession is offered to the complainant.

The counsel for the respondent states that the present complaint is not maintainable or tenable in the eyes of law as the reliefs being claimed by the complainant cannot be said to fall within the realm of jurisdiction of this Ld. Authority. Further stated that due to coming into force the BUDS Act, the Assured return of any committed returns on the deposits schemes have been banned and the assured return was stopped hence the present complaint is barred by limitation.

Arguments heard.

Order reserved.

Matter to come up on 24.07.2024 for pronouncement of order.

Ashok Sangwan  
Member  
01.05.2024