



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

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Day and Date	Friday and 02.08.2024
Complaint No.	CR/4649/2023 Case titled as Ashok Nagrath VS Vatika Limited
Complainant	Ashok Nagrath
Represented through	Shri Prashant Sheoran Advocate
Respondent	Vatika Limited
Respondent Represented through	Ms Ankur Berri, Advocate
Last date of hearing	19.07.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint has been filed on 18.10.2023 and the reply has been filed by the respondent on 16.02.2024. The written submission on behalf of respondent has been filed on 25.07.2024.

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

S.no.	Particulars	Details
1.	Name of the project	Vatika trade Center at Sector 83, Gurugram, Haryana
2.	Nature of the project	Commercial colony
3.	DTCP license no.	258 of 2007 dated 19.11.2007 license migrated from commercial in residential zone to commercial plotted colony vide order dated 13.10.2022.
4.	Name of licensee	M/s Shivam Infratech Pvt. Ltd.



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5.	RERA Registered/ not registered	Not Registered *Since the project is not registered the registration branch may take the necessary action under the provisions of the Act, 2016
6.	Date of allotment	24.07.2008 (Page 19 of complaint)
7.	Date of builder buyer agreement	23.02.2009 [pg. 12 of complaint] -not mentioned in agreement]
8.	Unit no.	401 on 4 th floor block a (page 26 of complaint)
9.	Possession clause	<u>As per clause 14 of the agreement - within 3 years from the date of execution of agreement</u>
10.	Due date of possession	23.02.2012
11.	Sale Consideration	₹ 92,50,000/- [as on pg. 19 of complaint]
12.	Paid up amount	₹ 90,28,705/- [pg. 12 and 70 of complaint]
13.	Offer of possession	Not offered
14.	Occupation certificate	Not obtained
15.	Letter sent by complainant to respondent seeking refund	28.03.2023 (page 80 of complaint)

The complainants is seeking refund of the deposited amount as due date of the unit has already expired way back on 23.2.2012.

The counsel for the respondent states that they had paid certain amount as brokerage and other charges which should be considered which at all if the authroity allows the refund of the amount.



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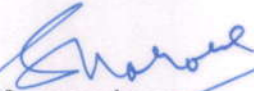
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Both the parties are directed to file written submissions within a period of one week after supplying a copy to each other.

Arguments heard.

Orde reserved.

Matter to come up on 16.8.2024 for pronouncement of orders.


Sanjeev Kumar Arora
Member
02.08.2024