

PROCEEDINGS OF THE DAY
17

Day and Date	Tuesday and 07.02.2023
Complaint No.	CR/4747/2022 Case titled as Satish Kumar Sharma Vs Vatika Limited
Complainant	Satish Kumar Sharma
Represented through	Shri K.K. Kohli Advocate
Respondent	Vatika Limited
Respondent Represented through	S/Shri Venket Rao and Pankaj Chandola Advocates
Last date of hearing	11.10.2022
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present complaint has been received on 06.07.2022 and the reply was received on 17.10.2022.

Succinct facts of the case are as under:

S.N.	Particulars	Details
1.	Name of the project	"Signature Plus", Sector 82, Gurugram.
2.	Allotment letter	07.06.2008
3.	Plot no.	68/240/Simplex/BR admeasuring 1527 sq.ft. (Page 88 of complaint)
	Changed unit vide addendum dated 26.03.2012	18/240/Simplex/ST. 82 D1-4 admeasuring 1527 sq.ft. (page 130 of complaint)
4.	Date of execution of plot buyer's agreement	27.11.2009 [Page 85 of complaint]



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HARYANA REAL ESTATE REGULATORY AUTHORITY
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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

5.	Possession clause	11.1 Schedule for possession of the said unit <i>The Company based on its present plans and estimates and subject to all just exceptions, contemplates to complete the development of the said township or the sector/part thereof where the said plot is proposed to be located, within a period of three years from the date of execution of this agreement. However, in case the Company is not able to adhere to the said time frame, it shall be entitled to reasonable extension of time for completing the construction, unless there shall be delay or there shall be failure due to reasons mentioned in clauses (12.1),(12.2),(12.3) and clause (38) or due to failure of applicant(s) to pay in time the price of the said Unit along with all other charges and dues in accordance with the schedule of payments given herein in Annexure III or as per the demands raised by the Company from time to time or any failure on the part of the applicant(s) to abide by any of the terms or conditions of this Agreement . (Emphasis supplied)</i>
6.	Subsequent allottee	05.09.2011 (page 128 of complaint)
7.	Due date of possession	27.11.2012
8.	Total sale consideration	Rs. 88,46,000/- as per statement of account dated 15.07.2022 (Page 25 annexure R-2 of reply)
9.	Paid up amount	Rs. 26,65,355/- as per statement of account dated 15.07.2022 (Page 25 annexure R-2 of reply)
10.	Occupation certificate	Not obtained

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण



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11.	Offer of possession	Not offered
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The counsel for the complainant states that the due date of offer of possession of the unit allotted to the complainant was 27.11.2012 and the OC for the project has not been received till date. Therefore, the complainant is seeking delayed possession charges.

The counsel for the respondent states that the unit allotted to the complainant is not available any more due to change under layout plan on account of public utilities and other reasons. Therefore, the complainant may choose to visit the site and contact Shri Naveen AR and Uma Shanker - full time consultant of the respondent company and settle for an alternate unit which is similarly situated.

The counsel for the complainant insists that the land on which the original unit re-allotted to the complainant on 26.03.2012 vide No.18/240/Simplex/ST/82 D1-4 of area comprising 1527 sq. feet is very much available and the respondent may be restrained from creating third party rights on the same.

The counsel for the respondent reiterates that the unit is not available.

Matter to come up on 20.07.2023 for further proceedings.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member
07.02.2023