



**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>46</b>
Day and Date	Thursday and 25.04.2024	
Complaint No.	CR/4842/2023 Case titled as Prateek Shrivastava VS Vatika Limited	
Complainant	Prateek Shrivastava	
Represented through	Shri Sukhbir Yadav Advocate	
Respondent	Vatika Limited	
Respondent Represented through	Shri Venket Rao Advocate	
Last date of hearing	15.02.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
<b>Proceedings</b>		
<p>The present complaint was filed on 19.10.2023 and the reply was received on 15.02.2024.</p> <p>The counsel for the complainant states that the complainant has filed the present complaint for seeking the following reliefs :-</p> <p>i) To get an order in their favour by directing the respondent party to provide a copy of the Occupancy and Completion Certificate.</p> <p>(ii) To get a firm date of completion of the project.</p> <p>(iii) To get an order in their favour by directing the respondent party to provide a list of allottees or an affidavit to prove that the respondent has not double-sold the units.</p> <p>(iv) To get an order in their favour by directing the respondent party to get the project registered with RERA as per the RERA Act, 2016.</p> <p>(v) To get an order in their favour by directing the respondent party to provide the original and revised Layout/Building Plans.</p> <p>(vi) "To get an order in their favour by directing the respondent party to give the lawful possession of the complainants' commercial unit.</p>		



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(vii) To get an order by initiating the penal proceeding and imposing a penalty on the respondent party for not registering the project with RERA.

viii) To get an order directing the Respondent party through its director to submit an affidavit affirming that the Complainant's commercial unit has not been sold to any other person.

(ix) The Complainants are also entitled to any other relief to which they are found entitled by this Hon'ble Authority.

(x) The Complainants are also entitled to any other relief to which he is found entitled by this Hon'ble Authority to any other relief/direction which the Hon'ble Authority deems fit and proper in the facts & circumstances of the present complaint.

(xi) That in the interest of justice, this authority should pass strict and stringent orders against errant Promoters and developers who take huge investments from innocent investors and then deny them the right to take possession as agreed at the time of sale. The purpose and legislative intent behind setting up this authority should also be kept into consideration while deciding the present complaint as the Respondent has not only treated the Complainants unfairly but many other such buyers.

The counsel for the complainant states that this complaint be decided in terms of order passed in CR No.633/2021. However, the counsel for the respondent has stated that they are in appeal in these cases.

The counsel for the respondent states, the present complaint is not maintainable and liable to be dismissed on ground of res-judicata as the complaint was already decided by this Hon'ble Authority on 10.11.2021, rectified on 04.02.2022 in complaint bearing no. 633 of 2021 and all reliefs sought by the complainant have already been decided.

However, the counsel for the complainant states that the reliefs claimed in the present complaint are different from the reliefs decided vide order dated 10.11.2021, and the cause of action arose after deciding the previous complaint. Also, the counsel for the complainant states that the present complaint is maintainable and is not liable to be dismissed and submitted the copy of relevant order dated 29.01.2002 passed by Hon'ble Supreme Court of India in case titled as **G.N. Nayak V/s Goa University and others** and order dated 11.05.1999 passed by Madhya Pradesh High Court in case titled as **Smt. Rehana Parveen V/s Naimuddin**.

The counsel for the respondent has placed on record a copy of order dated



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CA/48/2/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

08.04.2024 passed by the Hon'ble High Court in RERA Appeal No.104-2023(O&M) titled as *M/s Vatika Ltd. V/s Prateek Srivastava and another* in which next dated of hearing is fixed for 25.07.2024 and this case be heard before full bench.

Matter to come up on 06.08.2024 before the **Full Bench** for final arguments.

v.l -   
Vijay Kumar Goyal  
Member  
25.04.2024