PROCEEDINGS OF THE DAY	36
Day and Date	Wednesday and 18.12.2024
Complaint No.	CR/5083/2023 Case titled as Dinesh Narula VS Vatika Limited
Complainant	Dinesh Narula
Represented through	Ms. Shriya Takkar and Ms. Smriti Srivastava Advocates
Respondent	Vatika Limited
Respondent Represented through	Ms. Ankur Berry Advocate
Last date of hearing	23.10.2024
Proceeding Recorded by	Naresh Kumari

Proceedings

The present complaint was filed on 06.11.2023 and reply on behalf of the respondent was received on 28.02.2024. Further, written submissions dated 20.06.2024 were also filed on behalf of the respondent and a rejoinder to the complaint was filed by the complainant on 15.10.2024.

The complainant has also filed an application for amendment of relief dated 15.10.2023 wherein he is praying that the relief sought clause may be read as follows:

1. *Direct the respondent to handover actual, physical, vacant possession of the commercial unit bearing no. 216E, completed in all respects along with the grant of OC/CC.*
2. *Direct the respondent to execute the sale deed of the above said unit in favour of the complainant.*
3. *Direct the respondent to pay the delay penalty charges with interest as per the RERA Act, from the due date of possession.*
4. *Direct the respondent to make payment on account of assured returns calculated @ Rs.65/- per sq. ft. per month on 500 sq. ft. i.e., Rs.32,500/- per*

month w.e.f. 01.10.2018 till date (73 months) along with interest @ 18% on delay and further issue directions to the respondent to keep paying assured returns in terms of clause 12 of buyers agreement till completion of the project/receipt of OC and handing over of possession.

5. *Direct the respondent to make payment on account of assured returns calculated @ Rs.65/- per sq. ft. per month on 500 sq. ft. i.e., Rs.32,500/- per month for a further period of three years (as per clause 12 of BBA) from completion of the project/receipt of OC along with interest @ 18% on delay, the exception being leasing it out only with the written consent of the complainants to the terms and conditions of lease transaction with the proposed lessee.*
6. *Allocate car parking space to the complainant in terms of letter dated 08.05.2012.*
7. *Award compensation to the extent of Rs.20,00,000/- on account of mental agony, harassment and torture due to illegal acts and conduct of the respondent company.*
8. *Award litigation costs to the tune of Rs.2,00,000/- to the complainants."*

The respondent filed reply on 16.12.2024 to the application seeking amendment in relief by complainant and submitted that the complainant filed the application but failed to produce the reason or ground for filing the application for rectification and simpliciter declared that it is necessary to file the amendment application. The reason for amendment is unjustified and at such later where all pleadings have already been completed and the matter is at the stage of arguments. Hence, the present application cannot be allowed. Further, the amendment as requested to be allowed in relief being for taking physical possession of the subject unit was already part of the original complaint. Therefore, the present application is not only a repetition but rather a time delaying tactic employed by the complainant.

In view of above, the counsel for the respondent for request for the dismissal of the said application being non maintainable as the complainant has failed to show section of the Act under which amendment application is filed as RERA law does not possess the law related to amendment and the code of CPC apply in limited manner as per the RERA law.

Arguments heard on the application for amendment of relief.

Both the parties have argued at length and submitted citations in support of their contentions which are taken on record.

Matter to come up for orders on the application for amendment of relief on **05.02.2025.**

Ashok Sangwan
Member
18.12.2024