

PROCEEDINGS OF THE DAY		22
Day and Date	Friday and 14.07.2023	
Complaint No.	CR/5200/2022 Case titled as Mohmad Shafi Vs VATIKA LIMITED	
Complainant	Mohmad Shafi	
Represented through	Shri Garvit Gupta Advocate	
Respondent	VATIKA LIMITED	
Respondent Represented	Ms. Ankur Berry Advocate	
Last date of hearing	13.01.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been filed on **21.07.2022** and the reply has been filed by the respondent on 17.01.2023.

The counsel for the complainant states that the unit was booked in the year 2012 and there was a clause in the BBA to give assured return upto completion of construction. However, later on after paying an assured return upto March 2018, the respondent changed the stand to pay lease rent in place of assured return upto the completion of the construction of the unit and till date construction is not complete and OC has not been received so far and as per agreement, the due date of possession of the unit was somewhere in the year 2016 which is mentioned in clause 10 page 35 of the BBA. Further stated that the complainant cannot be made to wait endlessly and seeking refund of the deposited amount alongwith interest.

The counsel for the respondent states that the respondent had been paying assured return upto March 2018 and that was as per the commitment that the complainant will stay in the project and now since the allottee has come up for refund of the amount, the amount already paid to the complainant allottee as



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/5700/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

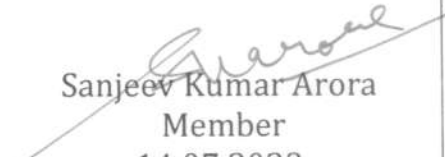
नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

assured return should be deducted out of the refund amount if at all allowed by the authority.

Arguments heard.

Refund is allowed after deduction of assured return already paid to the allottee alongwith prescribed rate of interest i.e. 10.70% per annum from the date of each payments till its realization as per RERA norms.

Matter stands disposed off. Detailed order will follow. File be consigned to the registry.


Sanjeev Kumar Arora
Member
14.07.2023