

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

| PROCEEDINGS OF THE DAY |                                                                             | 14 |
|------------------------|-----------------------------------------------------------------------------|----|
| Day and Date           | Wednesday and 23.04.2025                                                    |    |
| Complaint No.          | CR/5923/2022 Case titled as Sourav Parkash and Om Parkash VS Vatika Limited |    |
| Complainant            | Sourav Parkash and Om Parkash                                               |    |
| Represented through    | Shri Gaurav Rawat Advocate                                                  |    |
| Respondent             | Vatika Limited                                                              |    |
| Respondent Represented | Ms. Ankur Berry Advocate                                                    |    |
| Last date of hearing   | 05.02.2025                                                                  |    |
| Proceeding Recorded by | Naresh Kumari and HR Mehta                                                  |    |

#### Proceedings

The present complaint was filed on 02.09.2022 and a reply on behalf of the respondent was received on 06.06.2023.

Succinct facts of the case are as follows:

| Sr. No. | Particulars                      | Details                                                                               |
|---------|----------------------------------|---------------------------------------------------------------------------------------|
| 1.      | Name and location of the project | "Vatika Trade Centre", Gurugram (Now, "Vatika INXT City Centre", Sector-83, Gurugram) |
| 2.      | Nature of the project            | Commercial                                                                            |
| 3.      | Registered/ not registered       | Registered<br>36 of 2022 dated 16.05.2022 valid up to 31.03.2029                      |
| 4.      | License no. and validity         | 113 of 2008 dated 01.06.2008 valid up to 31.05.2018                                   |
| 5.      | Unit no.                         | 1211, 12 <sup>th</sup> floor<br>(page 26 of complaint)                                |
| 6.      | Unit admeasuring                 | 500 sq. ft. (Super Area)<br>(page 26 of complaint)                                    |
| 7.      | Date of buyer agreement          | 13.02.2010<br>(page 23 of complaint)                                                  |

*CR/5923/2022*

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|-----|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8.  | Addendum to the agreement                                 | 13.02.2010<br>(page 41 of complaint)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 9.  | Total sale consideration                                  | Rs.17,50,000/-<br>(as per BBA page 26 of complaint)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 10. | Amount paid by the complainant                            | Rs.17,50,000/-<br>(as per BBA page 26 of complaint)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 11. | Occupation certificate                                    | Not obtained                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 12. | Offer of possession                                       | Not offered                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 13. | Assured return clause                                     | <p><i>"The unit has been allotted to you with an assured monthly return of Rs.65/- per sq. ft. However, during the course of construction till such time the building in which your unit is situated offered for possession you will be paid an additional return of Rs.13/- per sq. ft. Therefore, the return payable to you shall be as follows:</i></p> <p><i>This addendum forms an integral part of the builder buyer agreement dated 13.02.2010.</i></p> <p><i>a) Till offer of possession Rs.78/- per sq. ft.</i></p> <p><i>b) After completion of the building Rs.65/- per sq. ft.</i></p> <p><i>You would be paid an assured return w.e.f. 13.02.2010 on a monthly basis before the 15<sup>th</sup> of each calendar month.</i></p> <p><i>The obligation of the developer shall be to lease the premises of which your flat is part @ Rs.65/- per sq. ft. In the eventuality the achieved return being higher or lower than Rs.65/- per sq. ft. the following would be applicable:</i></p> <p><i>1) If the rental is less than Rs.65/- per sq. ft., then you shall be refunded @Rs.120/- per sq. ft. for every Rs.1/- by which the achieved rental is less than Rs.65/- per sq. ft.</i></p> <p><i>2) If the achieved rental is higher than Rs.65/- per sq. ft., then 50% of the increased rental shall accrue to you free of any additional sale consideration. However, you will be requested to pay additional sale consideration @Rs.120/- per sq. ft. for every rupee of additional rental achieved in the case of balance 50% of the increased rentals."</i></p> <p>(Addendum to BBA at page 41 of complaint)</p> |
| 14. | Assured return paid by the complainant till October, 2018 | Rs.32,63,000/-<br>(as alleged by respondent page 03 of reply)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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|-----|------------------------------------------------------------------|--------------------------------------|
| 15. | Legal notice issued by complainant for payment of assured return | 24.01.2022<br>(page 44 of complaint) |
|-----|------------------------------------------------------------------|--------------------------------------|

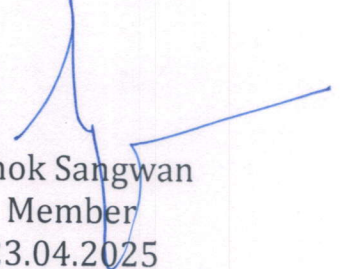
The complainants have sought the following relief(s):

1. Direct the respondent to handover the possession of the said unit with the amenities and specifications as promised in all completeness.
2. Direct the respondent to pay pending assured return and interest thereon on the total amount paid by the complainant.
3. Restrain the respondent from raising fresh demand for payment under any head, as the petitioner had made the full payment.
4. Direct the respondent not to force the complainant to sign any indemnity cum undertaking indemnifying the builder from anything legal as a precondition for signing the conveyance deed and to get conveyance deed in favor of the complainant.
5. Direct the respondent to provide the exact layout plan of the said unit.

Arguments heard.

The respondent is directed to pay assured return to the complainant as per agreed terms of the Addendum agreement dated 13.02.2010. Other reliefs shall be part of the main order.

Detailed order will follow. Matter stands disposed off.

  
**Ashok Sangwan**  
**Member**  
**23.04.2025**