



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

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नया पॉ. डब्ल्यू. हा. विमान गृह, सिविल लाइन्स, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY		116
Day and Date	Friday and 02.08.2024	
Complaint No.	CR/8045/2022 Case titled as Meenakshi Kalra and Kulbhushan Kalra VS Vatika Limited	
Complainant	Meenakshi Kalra and Kulbhushan Kalra	
Represented through	Shri Manoj Bhardwaj Advocate	
Respondent	Vatika Limited	
Respondent Represented	Ms. Ankur Berry Advocate	
Last date of hearing	12.07.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The present complaint was filed on 11.01.2023 and the reply on behalf of the respondent was filed on 28.09.2023.		
Succinct facts of the case as per complaint and annexures are as under:		
S. N.	Particulars	Details
1.	Name and location of the project	"Turning Point", Gurgaon, Haryana
2.	Unit No.	2402, Tower-West end 7 (as per allotment letter on page no. 35 of complaint)
3.	Unit area admeasuring	1430 sq. ft. (as per allotment letter on page no. 35 of complaint)



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4.	Allotment Letter dated	12.01.2017 (page no. 35 of complaint)
5.	Builder Buyer agreement	Not executed
6.	Due date of possession	12.01.2020 (calculated from the date of application form) [As per <i>Fortune Infrastructure and Ors. vs. Trevor D'Lima and Ors. (12.03.2018 - SC); MANU/SC/0253/2018</i>]
7.	Total sale consideration	Rs. 86,81,015/- (as per SOA on page no. 21 of reply)
8.	Amount paid by the complainant	Rs 5,00,000/- (as alleged by complainant) Rs. 5,61,127/- (as per SOA on page no. 21 of reply)
9.	Reminder for execution of BBA	12.06.2018, 18.07.2018 (page no. 19-20 of reply)
10.	Notice for termination by respondent	19.06.2018 (page no. 24 of reply)
11.	Occupation certificate	Not obtained
12.	Offer of possession	Not offered

The counsel for the complainants is seeking refund as the project has not picked up and they had paid a sum of Rs.5.50 Lakhs and allotment was done on 12.01.2017.

The counsel for the respondent states that they are ready to give the refund after deduction of 10% of the total sale consideration



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and the total sale consideration of the unit was Rs.88,02,475/-.
Further stated that the unit was cancelled on 10.08.2017.

Arguments heard.

Order reserved.

Matter to come up on 09.08.2024 for pronouncement of order.


Sanjeev Kumar Arora
Member
02.08.2024