



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 1804 OF 2023

Nisha Vasdev

....COMPLAINANT

VERSUS

Vatika Ltd.(Mindscapes, Sector-27, Faridabad)

....RESPONDENT

CORAM:	Parneet Singh Sachdev	Chairman
	Nadim Akhtar	Member
	Dr. Geeta Rathee Singh	Member
	Chander Shekhar	Member

Date of Hearing: 04.04.2024

Hearing: 4th

Present: - Mr. Ashish Jhamb, Counsel for the complainant through VC
Ms. Vertika H. Singh, Counsel for the respondent through VC.

ORDER (PARNEET SINGH SACHDEV-CHAIRMAN)

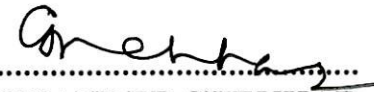
1. Ld. Counsel for complainant stated that the complainant had booked unit in respondent's project-Mindscapes, Sector 27, Faridabad on 05.08.2006 by paying Rs 1,00,000/-. Builder buyer agreement for unit no. 312, having area of 1000 sq ft in tower-C/2 was executed between the parties on 23.09.2006. As per said

agreement, respondent was supposed to deliver possession by 01.08.2008 and to pay assured returns at the rate of Rs 40 per sq ft permonth till the date of offer of possession. Grievance of the complainant is that respondent has stopped making payment of assured returns since October,2018 and has not offered possession of unit till date. He prayed for possession alongwith payment of remaining assured returns.

2. Ld. Counsel for respondent argued that initially the tower C-2 in which complainant's unit was booked got renamed later on as Tower-D. Fact remains that tower-D has got occupation certificate on 19.05.2020. Regarding assured returns, she stated that said returns were paid till September,2018 and thereafter stopped due to enactment of BUDS Act. She further pointed that complainant in relief sought of her complaint has not made any prayer w.r.t payment of remaining assured returns so this relief cannot be awarded to complainant.
3. In reply to said submissions, ld. Counsel for complainant submitted that there is no document/proof in reply to prove that the tower-C2 got renamed as Tower-D. Moreover, he denies receipt of any such information by his client from respondent' side. Further, he sought time to seek instructions from his client regarding relief of assured returns.



4. In these circumstances, Authority observes that respondent unilaterally changed the Tower C/2 to Tower-D without even informing the complainant-allotee. So, respondent is directed to place on record the documents to prove that name of tower was changed and it was duly informed to allottees. Further, respondent is directed to place on record copy of occupation certificate dated 19.05.2020 alongwith any letter/information being sent to complainant apprising about receipt of occupation certificate. Complainant is directed to clarify the relief sought w.r.t assured returns.
5. Case is adjourned to 18.07.2024 for arguments.


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CHANDER SHEKHAR
[MEMBER]


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DR .GEETA RATHEE SINGH
[MEMBER]


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NADIM AKHTAR
[MEMBER]


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PARNEET SINGH SACHDEV
[CHAIRMAN]