



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

Date of Hearing: 19.09.2024

Hearing: 5th

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. On the last date of hearing, i.e. 04.04.2024 following order was passed:-

"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 per month 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 along with payment of remaining assured returns.

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.

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's side. Further, he sought time to seek instructions from his client regarding relief of assured returns.

In these circumstances, Authority observes that respondent unilaterally changed the Tower C/2 to Tower-D without even informing the complainant-allottee. 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 along with 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.

Case is adjourned to 18.07.2024 for arguments."

2. Today, Ld. counsel for respondent stated that letter dated 17.12.2014 whereby complainant was informed of change in name



of tower from C-2 to D along with copy of occupation certificate received for tower-D on 19.05.2020 has been placed on record in registry on 12.07.2024.

3. Ld. counsel for complainant stated that calculation of pending assured return to the tune of Rs 28,40,000/- has been placed on record in registry on 09.09.2024. Further, he sought time to amend the relief clause. His request is accepted.
4. Complainant is directed to file amendment application within next 3 weeks with advance copy supplied to respondent. Respondent is at liberty to file reply to amendment application within next 3 weeks with advance copy supplied to complainant.
5. Case is adjourned to 05.12.2024.


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DR .GEETA RATHEE SINGH
[MEMBER]


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NADIM AKHTAR
[MEMBER]


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PARNEET SINGH SACHDEV
[CHAIRMAN]