



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 2927 OF 2022

Amit Mehta HUF

....COMPLAINANT

VERSUS

Vatika (Mindscares, Tower-B) Ltd.

....RESPONDENT

2. COMPLAINT NO. 2928 OF 2022

Vandana Khattar

....COMPLAINANT

VERSUS

Vatika (Mindscares, Tower-B) Ltd.

....RESPONDENT

3. COMPLAINT NO. 2929 OF 2022

Pravina Verma

....COMPLAINANT

VERSUS

Vatika (Mindscares, Tower-B) Ltd.

....RESPONDENT

4. COMPLAINT NO. 2930 OF 2022

Ashwini Setya HUF

....COMPLAINANT

VERSUS

Vatika (Mindscares, Tower-B) Ltd.

....RESPONDENT

5. COMPLAINT NO. 2931 OF 2022

Kishan Chand Setya HUF

....COMPLAINANT

VERSUS

Vatika (Mindscares, Tower-B) Ltd.

....RESPONDENT

6. COMPLAINT NO. 2932 OF 2022

Rakesh Kumar Khiwani

....COMPLAINANT

VERSUS

Vatika (Mindscares, Tower-B) Ltd.

....RESPONDENT

7. COMPLAINT NO. 3006 OF 2022

Aparna Khandelwal & Aviral Khandelwal

....COMPLAINANT

VERSUS

Vatika (Mindscares, Tower-B) Ltd.

....RESPONDENT

8. COMPLAINT NO. 3007 OF 2022

Chandra Shekhar Choudhary

....COMPLAINANT

& Shashikala Choudhary

VERSUS

Vatika (Mindscares, Tower-B) Ltd.

....RESPONDENT

**CORAM: Dr. Geeta Rathee Singh
Nadim Akhtar**

**Member
Member**

Date of Hearing: 21.09.2023

Hearing: 3rd in all cases.

Present: -

Mr. Amitabh Narayan , Counsel for complainant
through VC in all cases.



Ms. Vertika H. Singh, Counsel for the respondent
through VC in all cases.

ORDER (NADIM AKHTAR - MEMBER)

1. Captioned complaints pertains to same project-Mindscapes, Sector-27, Faridabad and tower-B of the respondent. Complainants in these complaints are seeking refund of the paid amount with interest and monthly assured return in terms of builder buyer agreement executed with the respondent.
2. Ld. Counsel for the complainants insisted upon the relief of refund and monthly assured return as prayed in complaints. On the other hand, ld. Counsel for respondent apprised the Authority that respondent-promoter has filed a petition before Hon'ble Punjab and Haryana, High Court vide *CWP No. 26740-2022 (O&M) titled as Vatika Ltd v. Union of India and Anr*, which is now listed for hearing on 22.11.2023, wherein the question relating to jurisdiction of this authority to decide the matters pertaining to assured returns is pending for adjudication.
3. Learned counsel for respondent further stated that judicial propriety demands that when the matter is under consideration before a higher Court, the lower courts, tribunals and authorities should refrain from



passing any further order and should wait for the outcome of the appeal under consideration of the higher court.

4. Perusal of complaint no. 2927/2022,2929/2022,2931/2022,3006/2022 reveals that complainant in prayer clause has sought refund of lesser amount than the actual paid amount as per receipts. In complaint no. 2932/2022,paid amount stated is Rs 37,50,000/- whereas receipt of only Rs 5 lacs is placed on record. In complaint no. 3007/2022, paid amount stated is Rs 20,61,800/- and cheques of said amount has been placed on record as proof. However, cheques are not acceptable as proof without support of bank statement clearly depicting the deduction of amount mentioned in cheques. Ld. Counsel for complainants undertook to remove these deficiencies before the next date of hearing.
5. Keeping in view the aforesaid circumstances, the Authority decides to await the outcome of the writ petition.
6. Cases are adjourned to **19.12.2023**.


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DR. GEETA RATHEE SINGH
[MEMBER]


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NADIM AKHTAR
[MEMBER]