



**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

PROCEEDINGS OF THE DAY		49
Day and Date	Friday and 28.10.2022	
Complaint No.	CR/4922/2021 Case titled as Sonia Mehta Vs Vatika Ltd	
Complainant	Sonia Mehta	
Represented through	Shri Aditya Bharech Advocate	
Respondent	Vatika Ltd	
Respondent Represented through	Shri Venket Rao Advocate	
Last date of hearing	20.07.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

#### Proceedings

present complaint has been received on 20.12.201 and the reply was received on 21.07.2022.

Succinct facts of the case are as under:

S.no.	Particulars	Details
1.	Name of the project	High Street, Inxt City Center, Gurugram, Haryana
2.	Allotment letter	19.06.2017 (page 45 of complaint)
3.	Date of builder buyer agreement	Not executed
4.	Unit no.	134, first floor admeasuring 1125 sq.ft. (page 45 of complaint)

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016  
Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण  
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



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

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7.	Provision regarding assured return	<p>4. The developer shall remit an assured monthly return of RS. 92.16 per sq.ft. till completion of the building. It is stated that the project is in advance stages of construction and the developer based on its present plans and estimates and subject to all just exceptions, contemplates to complete construction of the said building/said commercial unit soon.</p> <p>5. The Allottee authorizes the developer to lease out the said unit, which is part of the commercial complex (mention name of the project) and agrees that the obligation of the developer shall be to lease the said unit along with the other commercial spaces in the commercial complex. The developer shall lease the unit along with the premises @RS. 100/- per sq.ft. However, in the eventuality the achieved lease return being higher or lower than Rs. 100/- per sq.ft. the following would be applicable.</p> <p>a. If the achieved rental is less than Rs. 100/- per sq.ft. then you shall be refunded @Rs. 133.33/- per sq.ft. for every Rs. 1/- by which achieved rental is less than Rs. 100/- per sq.ft.</p> <p>b. If the achieved rental is more than 100/- per sq.ft. shall be liable to pay additional sales consideration @Rs. 66.67/- per sq.ft. for every rupee of additional rental achieved.</p>
8.	Due date of possession	Cannot be ascertained
10.	Total sale consideration	Rs. 48,90,375 (page 41 of complaint)
11.	Paid up amount	Rs. 48,90,375 (page 43 of complaint)
12.	Offer of possession	Not offered

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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम  
ER/1922/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

13.	Occupation certificate	Not obtained
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The counsel for the respondent requests for placing on record a copy of order passed by Additional Civil Judge (Sr. Div.) Gurugram dated 19.04.2022 wherein it has been held that assured return cannot be paid in view of BUDS Act till the concerned company registers itself with SEBI for being part of collective investment scheme or satisfied the court for the requirement of being part of regulated deposit scheme within the provisions of BUDS Act. Further a copy of the order of Hon'ble J&K High Court is also being placed on the file. The counsel for the respondent is directed to supply a copy of the same to the counsel for the complainant.


However, the counsel for the complainant while disputing the relevance of above orders in the claim of complaint under Act of 2016 and further states that the authority vide a detailed order in complaint titled as **Vinod Agarwal versus Vatika Ltd.** has passed a detailed order on the rights of assured return and the complainant also seeks the relief of assured return in terms of that order.

Arguments heard.

Order reserved.

Matter to come up on **02.12.2022** for pronouncement of orders.

  
Sanjeev Kumar Arora  
Member

  
Vijay Kumar Goyal  
Member  
28.10.2022