



**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

<b>PROCEEDINGS OF THE DAY</b>		<b>18</b>
Day and Date	Thursday and 01.12.2022	
Complaint No.	CR/1347/2020 Case titled as DIVYA GUPTA Vs VATIKA SEVEN ELEMENTS PVT. LTD.	
Complainant	DIVYA GUPTA	
Represented through	Shri Shagun Singla Advocate	
Respondent	VATIKA SEVEN ELEMENTS PVT. LTD.	
Respondent Represented through	Shri Mukul Kumar Sanwariya Advocate	
Last date of hearing	20.09.2022	
Proceeding Recorded by	Naresh Kumari	

### **Proceedings**

The present complaint has been received on 28.08.2019 and the reply on behalf of respondent has not been received within the stipulated time period despite service of notice. Since the promoter/respondent company's advocate has marked attendance on 13.12.2019, 13.02.2020, 12.10.2020, 25.03.2021, 11.08.2021 and 23.11.2021 which is clear evidence that the service was completed. The respondents have failed to file reply to the complaint till date despite being given ample opportunities and failed to file reply within the time allowed, therefore, the defence of the respondent is struck off.

Succinct facts of the case as per pleadings and annexures are as under:

<b>S. N.</b>	<b>Particulars</b>	<b>Details</b>
1.	Name of the project	Seven Elements, Sector 89A, Gurgaon-Manesar, Haryana.
2.	Project area	14.30 acres



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2020

New PWD Rest House, Civil Lines, Gurugram, Haryana

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3.	Nature of the project	Group housing colony
4.	DTCP license no.	41 of 2013 dated 06.06.2013
	Validity of license	05.06.2017
5.	Name of the licensee	Strong Infrabuild Pvt. Ltd. & Anr.
6.	Rera registered/not registered	Registered vide memo no. 281 of 2017
7.	RERA registration valid up to	31.03.2011
8.	Allotment letter	04.10.2013 [page 36 of complaint]
9.	Unit details	1104, 11 <sup>th</sup> floor, building A3 (page 59 of complaint)
10.	Unit area admeasuring	1620 sq. ft
11.	Date of execution of BBA	18.02.2015 (page 56 of complaint)
12.	Possession clause	<b>13. Schedule for possession of the said apartment.</b> The developer based on its present plans and estimated and subject to all just exceptions, contemplates to <b>complete construction of this said building/said apartment within a period of 48 months from the date of execution of this agreement</b> unless there shall be delay or there shall be failure due to reasons mentioned in clauses 14 to 17 & 37 or due to failure of allottee(s) to pay in time the price of the said apartment along with all other charges and dues in accordance with the schedule of payments given in annexure -I or as per the demands raised by the

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण



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R/134/2020

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		developer from time to time or any failure on the part of the allottee(s) to abide by any of the terms or conditions of this agreement (Emphasised supplied) (page 42 of complaint)
13.	Due date of possession	18.02.2019
14.	Total sale price	Rs.1,24,46,670/- (inclusive BSP, PLC, EDC/IDC, IFMSD)
	Basic sale price	Rs. 1,14,21,000/- (page 59 of complaint)
15.	Amount paid by the complainant as alleged by the complainant	Rs. 87,91,657/-
16.	Occupation certificate /Completion certificate	Not received
17.	Offer of possession	Not offered

The counsel for the complainant requests for a short adjournment to argue the matter. In the meantime the counsel for the respondent requests for amicable settlement with the complainant allottee as respondent is offering to refund the amount subject to reconciliation of the account.

Both the parties to file the copy of settlement deed if matter is amicably settled failing which the matter shall be decided on merits on the next date of hearing.

Matter to come up on 13.01.2023 for further proceedings.

  
Sanjeev Kumar Arora  
Member

  
Vijay Kumar Goyal  
Member  
01.12.2022