

**BEFORE THE HARYANA REAL ESTATE REGULATORY AUTHORITY,  
GURUGRAM**

Date of decision: 16.08.2023

Name of the Builder		Vatika Limited	
Project Name		Vatika India Next	
1.	CR/4900/2020	Vikas Jindal versus Vatika Limited & Anr.	Mr. Abhijeet Gupta Mr. Pankaj Chandola
2.	CR/315/2021	Rahul Arora & Anr. Versus Vatika Limited & Anr.	Mr. Abhijeet Gupta Mr. Pankaj Chandola
3.	CR/1908/2021	Arvind Pandey & Anr. Versus Vatika Limited & Anr.	Mr. Abhijeet Gupta Mr. Pankaj Chandola

**CORAM:**

Sh. Ashok Sangwan

Member

**APPEARANCE:**Mr. Abhijeet Gupta  
Mr. Pankaj ChandolaComplainant  
Respondent**ORDER**

1. An application under Section 39 of Act, has been filed by the complainant on 27.01.2023 for rectification of order dated 28.10.2021 passed by the Authority. Following directions were passed vide order 28.10.2022 of Authority:
  - i. The respondent-builder is directed to refund the paid-up amount received from each of the allottee(s) deposited by them against their allotted units along with interest at the prescribed rate of 10.25% per annum from the date of each payment till the date of actual realization within the timelines as prescribed under rule 16 of the rules, 2017.
  - ii. The respondent builder has been paying assured returns against the allotted units to some of the allottees upon certain dates. So, while refunding the paid-up amount to them, the respondent-builder is entitled to adjust that amount from the total amount.
  - iii. While paying against the allotted units, some of the allottee(s) raised loans from the financial institutions i.e., respondent no. 2 and that amount was paid to it. So, while refunding the amount deposited by some of the allottee(s) who raised loans against the allotted units, the promoter is

directed to clear such of the loan amount up to date with those financial institution(s) and the balance amount be paid to the allottee(s) within a period of 90 days.

2. Upon perusal of the document the Authority gives the following finding.

**A. Finding by the Authority**

Sr.no	Complaint Information	As per rectification application	As per order dated 28.10.2022	As per latest statement of account
1.	Vikas Jindal versus Vatika Limited & Anr. CR/4900/2020	Rs. 42,07,299/-	Rs. 40,83,877/-	Rs. 40,83,877/-
2.	Rahul Arora & Anr. Versus Vatika Limited & Anr. CR/315/2020	Rs. 30,59,108/-	Rs. 7,58,416/-	Rs. 29,89,610/-
3.	Arvind Pandey & Anr. Versus Vatika Limited & Anr. CR/1908/2021	Rs. 62,10,775/-	Rs. 48,45,854/-	Rs. 48,45,854/-

3. The Authority observes that the aforesaid rectification application dated 27.01.2023, under section 39 of the Act, 2016 has been filed within the time limitation of two years. The aforesaid application seeks rectification in the amount paid by the complainant(s).
4. On the last date of hearing none was present on behalf of the complainant. The counsel for the respondent had no objections if the rectification is allowed as per latest statement of account.
5. Accordingly, the above rectification, based on factual statement of account, is allowed.

Ashok Sangwan  
Member

Haryana Real Estate Regulatory Authority, Gurugram

Dated: 16.08.2023