



HARERA
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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

Day and Date	Monday and 04.09.2023
Complaint No.	E/879/2023/1665/2021 Case titled Anita Ahlawat and Yamini Berk and Mansi Ahlawat Vs Vatika Limited
Complainant	Anita Ahlawat and Yamini Berk and Mansi Ahlawat
Represented through	Mr. Krishna Sharma Adv
Respondent	Vatika Limited
Respondent Represented through	Mr. Pankaj Chandola Adv
Last date of hearing	01.08.2023
Proceeding Recorded by	Uma Gaur

Proceedings

This is a petition seeking execution of order passed by the Authority dated 25.05.2022. JD has filed certain objections.

Heard. It is contended by learned counsel for JD that this is a matter about payment of assured returns. The High Court of Punjab and Haryana has already seized with the matter of assured returns, till the High court decides the matter, this forum should not pass any order in this case.

Admittedly, there is no stay from Hon'able High Court of Punjab and Haryana or any other court of competent jurisdiction against execution of order under execution. In such a case, there is no reason to stay proceedings in this case. Even otherwise, matter pending in High Court is neither related to case in hands nor between same parties. Request for stay is thus declined.

Learned counsel for JD has also objection that DH has wrongly calculated the amount due. Even as per order under execution, his client i.e.

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

Handwritten signature and initials



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JD is liable to pay arrears of assured return at the agreed rate to the complainants from the date, when payment of assured return was not paid, till the date of completion of construction of building. The construction is already complete and intimation in this regard has been given to the complainant through a letter.

Per contra, according to the learned counsel of DH, building is not complete even now. Neither Occupation Certificate(OC) nor Completion Certificate (CC) has been obtained by builder/JD till today.

The fact that no OC or CC has been obtained by builder/JD till now is conceded by learned counsel for JD also. Considering same, it can be presumed that, construction is not complete even today. Even if any such letter as claimed by JD was dispatched to allottee/ DH, same has no value. No other evidence except sending of such a letter is shown by JD to verify completion of construction.

In circumstances as mentioned above, JD is liable to pay the amount of assured return from the date, payment of assured return has not been paid to the allottee/DH till construction of building is actually complete.

The outstanding assured return amount was to be paid within 90 days from the date of order, after adjustment of outstanding dues, if any. JD did not submit detail of any outstanding dues. It can be presumed that there is no outstanding dues against DH.

Let matter be referred to Accounts Officer to calculate the amount due in the light of this order. File be put up before the Accounts Officer on 26.10.2023. Parties are free to file their calculations this date. Accounts Officer to file his report/ calculation till next date.

To come on 08.11.2023

(Rajender Kumar)
Adjudicating Officer
04.09.2023