

PROCEEDINGS OF THE DAY

Day and Date	Thursday and 25.03.2021
Complaint No.	CR/318/2021 Case titled Rshib Rohit Jain VS Vatika Limited
Complainant	Rshib Rohit Jain
Represented through	Shri Deepak Jain, Adv
Respondent	Vatika Limited
Respondent Represented through	Shri Venket Rao, Adv for the respondent-company.
Last date of hearing	
Proceeding Recorded by	Pawan Sharma

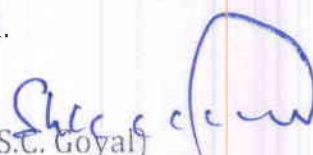
Proceedings

In pursuance to notice, the respondent put in appearance through their respective counsel.

2. Written reply is not ready. A date is requested. Adjournment though opposed but is granted. Let the same be filed 3 weeks prior to the date fixed with a copy to the other side and the matter be put up 06.07.2021 for arguments.

3. It is pleaded on behalf of the complainant that on the basis of tripartite agreement the respondent-builder promised assured rent till possession and even offered rental accommodation. Though for some time, rent of that accommodation was being given by the respondent-builder but it is going to stop to pay the same putting the complainant in an awkward position. So, till possession of the allotted accommodation is offered to the allottee, the respondent-builder be restrained from using any coercive methods to evict from the rented accommodation by relying upon the ratio of law laid down in cases of Fortune Infrastructure and Another Vs. Trevor D'lima and Others 2018 5 Supreme Court cases 442, Bikram Chatterji and Others Vs. Union of India and Others(2019) 19 Supreme Court Cases 161 and Imperia Structures Ltd. Vs. Anil Patni & Ors. MANU/SC/0811/2020. There is no dispute about the

ratio of law laid down in these cases but admittedly the due date of handing over possession of the allotted unit has not yet expired. Though there may be breach of contract entered into between the parties but it is a question of fact and law as to whether the respondent-builder is liable to the allottee till possession of the allotted unit. That fact can only be determined when the pleadings of the parties are complete and not otherwise. As already detailed above written statements by respondents yet to be filed and without waiting for their response, no interim directions can be issued.


(S.C. Goyal)
Adjudicating Officer
25.03.2021