HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. **COMPLAINT NO. 843 OF 2019**

Manoj Kumar Gupta ....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd. ....RESPONDENT

2. **COMPLAINT NO. 844 OF 2019**

Rahul Kumar Rawal ....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd. ....RESPONDENT

3. **COMPLAINT NO. 845 OF 2019**

Raj Kumar Rai ....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd. ....RESPONDENT

4. **COMPLAINT NO. 846 OF 2019**

Vinod Kumar Barthwal ....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd. ....RESPONDENT

5. COMPLAINT NO. 847 OF 2019

Ravinder Kumar Singh ....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd. ....RESPONDENT

6. COMPLAINT NO. 848 of 2019

Karan Singh ....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd. ....RESPONDENT

7. COMPLAINT NO. 849 OF 2019

Shalini Sethi ....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd. ....RESPONDENT

8. COMPLAINT NO. 850 OF 2019

Onkar Chand Sud ....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd. ....RESPONDENT

9. COMPLAINT NO. 851 OF 2019

Vandana Sen ....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd. ....RESPONDENT

Rattee

10. COMPLAINT NO. 852 OF 2019

Deepika Pant ....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd. ....RESPONDENT

11. COMPLAINT NO. 996 OF 2019

Rupesh Kumar Singh ....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd. ....RESPONDENT

12. COMPLAINT NO. 1038 OF 2019

Mahender Kumar ....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd. ....RESPONDENT

13. COMPLAINT NO. 1051 OF 2019

Ankur Mathur ....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd. ....RESPONDENT

14. COMPLAINT NO. 1082 OF 2019

Siya Ram Singh ....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd. ....RESPONDENT

15. COMPLAINT NO. 1292 of 2019

Susmita Keshri ....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd. ....RESPONDENT

16. COMPLAINT NO. 1640 OF 2019

Kamlesh Bagga ....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd. ....RESPONDENT

17. COMPLAINT NO. 2564 OF 2019

Ankit Sethi and Ors ....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd. ....RESPONDENT

18. COMPLAINT NO. 2976 OF 2019

Kuldeep Singh ....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd. ....RESPONDENT

19. COMPLAINT NO. 32 OF 2022

Satpal Singh Sarawat ....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd. ....RESPONDENT

CORAM: **Nadim Akhtar** **Member**
Dr. Geeta Rathi Singh **Member**

Date of Hearing: 07.12.2022

Hearing: 2nd Re-hearing

Present: Adv. Dinesh Kr. Dakoria, learned counsel for the complainants (in all complaints)
Adv. Sourabh Goel, learned counsel for the respondents (in all complaints)

ORDER (DR. GEETA RATHEE SINGH -MEMBER)

1. Captioned bunch of complaints were disposed of together by common order of Authority, dated 12.05.2022, with lead complaint case no. 843 of 2019 titled as, "Manoj Kumar versus Ferrous Infrastructure Pvt. Ltd.", wherein relief of refund of money paid by respective complainants to respondent promoter along with delay interest was granted.

However, applications dated 30.06.2022 were filed by Mr. Dinesh Kumar Dakoria, learned counsel for complainants in the above captioned complaint cases for the purpose of rectification of order passed by Authority dated 12.05.2022 on the ground that there exist calculation errors with respect to

amount paid by complainants, amount of delay interest to be paid by respondent promoter to complainants and total amount to be refunded by respondent promoter to complainants. These rectification applications were placed before the Authority for consideration, in its meeting dated 06.09.2022, vide agenda item no. 183.04, wherein the Authority in exercise of its power u/s 39 of the RERA Act, 2016 listed the cases on 15.11.2022 for deciding the same after hearing both the parties. However, again the matters were adjourned to 30.11.2022 as the quorum was not complete.

2. During hearing dated 30.11.2022, learned counsel Mr. Sourabh Goel appeared on behalf of the respondent promoter in all above captioned complaints and sought adjournment on the ground that he had not received the copies of rectification applications in any of the captioned complaint cases. Authority allowed his request and directs the respondent promoter to collect copies of aforesaid rectification applications in all the captioned matters from registry of office and file his objections, if any, before the next date of hearing.

3. Today, during the hearing, Mr. Dinesh Kumar Dakoria, learned counsel for complainants apprised the Authority that there exist mere calculation errors, specified in para no. 21 of order passed by Authority dated 12.05.2022, vide which captioned complaint cases were disposed of and same may be rectified by the Authority. Relevant part of order is reproduced as under –

"21. Authority accordingly orders refund of the money paid by all the complainants along with interest as shown in the table below-

Sr. No.	COMPLAINT NO.	DATE OF AGREEMENT	TOTAL AMOUNT PAID BY THE COMPLAINANT (In Rs.)	INTEREST (In Rs.)	TOTAL AMOUNT TO BE REFUNDED BY RESPONDENT (In Rs.)
1.	843/2019	20.06.2011	23,28,757/-	24,80,031/-	48,08,788/-
2.	844/2019	01.11.2010	27,99,470/-	28,92,775/-	56,92,245/-
3.	845/2019	01.11.2010	28,16,029/-	25,64,813/-	53,80,842/-
4.	846/2019	01.11.2010	24,91,146/-	22,97,090/-	47,88,236/-
5.	847/2019	07.04.2010	20,29,291/-	18,64,802/-	38,94,093/-
6.	848/2019	23.06.2010	20,83,712/-	21,52,600/-	42,36,312/-
7.	849/2019	16.01.2013	28,12,142/-	28,53,374/-	56,65,516/-
8.	850/2019	27.09.2013	26,41,048/-	26,97,867/-	53,38,915/-
9.	851/2019	15.04.2010	18,80,838/-	41,37,371/-	60,18,209/-
10.	852/2019	06.06.2010	21,99,617/-	22,25,568/-	44,25,185/-
11.	996/2019	23.04.2010	24,91,461/-	25,37,253/-	50,28,714/-
12.	997/2019	01.11.2010	30,00,776/-	30,69,165/-	60,69,951/-
13.	998/2019	06.06.2010	19,38,735/-	20,26,097/-	39,64,832/-
14.	999/2019	10.02.2011	31,37,825/-	32,13,557/-	63,51,382/-
15.	1036/2019	01.06.2010	27,89,982/-	28,92,117/-	56,82,099/-
16.	1037/2019	29.07.2010	23,33,502/-	24,65,079/-	47,98,581/-
17.	1038/2019	07.07.2011	17,23,701/-	18,52,930/-	35,76,631/-
18.	1051/2019	24.02.2011	28,79,979/-	29,09,838/-	57,89,817/-
19.	1079/2019	23.06.2010	23,50,600/-	24,30,221/-	47,80,821/-
20.	1082/2019	07.04.2010	24,19,976/-	25,12,160/-	49,32,136/-
21.	1291/2019	01.11.2010	26,46,500/-	27,16,722/-	53,63,222/-
22.	1292/2019	04.08.2015	24,80,748/-	23,91,791/-	48,72,539/-
23.	1640/2019	21.04.2015	23,15,799/-	30,19,273/-	53,35,072/-
24.	1831/2019	28.11.2013	17,22,430/-	19,71,021/-	36,83,451/-
25.	2564/2019	03.03.2012	23,84,208/-	24,60,483/-	48,44,691/-
26.	2705/2019	01.10.2010	23,69,712/-	19,51,788/-	43,21,500/-
27.	2976/2019	20.04.2015	23,00,202/-	22,58,141/-	45,58,343/-
28.	32/2022	10.09.2010	25,47,944/-	25,06,485/-	50,54,429/-

22. Respondents shall refund the money along with interest within period prescribed in Rule 16 of the RERA Rules of 2017.

Disposed of. Files be consigned to the record room after uploading of order."

4. On the other hand, no objection has been filed by respondent promoter in any of captioned complaint cases.

5. Authority is satisfied that there exist certain mistakes apparent from record in making calculations in complaint case no.'s 843, 845, 846, 847, 848,849, 850, 851, 852, 996, 1051, 1038, 1082, 844,1640, 1292, 2564, 2976 of 2019 and complaint case no. 32 of 2022. In complaint case no. 851 of 2019, there exist mistake as to calculation of interest because an amount of Rs. 2,00,000/- was wrongly written as Rs. 20,00,000/-, thus creating a huge difference in amount of interest . In complaint case no.'s 843, 845, 846, 847, 848,849, 850, 852, 996, 1051, 1038, 1082, 844,1640, 1292, 2564, 2976 of 2019 and complaint case no. 32 of 2022, the difference in amounts is because of the fact that some receipts were repetitively placed on record by complainant and when rectification application were filed, same was verified by Accounts branch of the department. Therefore, the Authority in exercise of its power u/s 39 of the RERA Act, 2016 allow the rectification of Para no. 21 of order passed by Authority dated 12.05.2022 to the extent of calculation of amounts in complaint case no.'s 843, 845, 846, 847, 848,849, 850, 851, 852, 996, 1051, 1038, 1082, 844,1640, 1292, 2564, 2976 of 2019 and complaint case no. 32 of 2022. Section-39 of the RERA Act, 2016 is reproduced as under-

> "**Section 39 - Rectification of orders** - The Authority may, at any time within a period of two years from the date of the order

made under this Act, with a view to rectifying any mistake apparent from the record, amend any order passed by it, and shall make such amendment, if the mistake is brought to its notice by the parties:

Provided that no such amendment shall be made in respect of any order against which an appeal has been preferred under this Act:

Provided further that the Authority shall not, while rectifying any mistake apparent from record, amend substantive part of its order passed under the provisions of this Act."

6. Therefore, in view of inadvertent errors in calculations, apparent on record, order dated 12.05.2022 stand rectified to the extent of calculation of amounts in Para no. 21 only, and therefore, amount paid by complainants; amount of delay interest to be paid by respondent promoter to complainants and total amount to be refunded by respondent promoter to complainants stands rectified as under-

Sr. No.	COMPLAINT NO.	DATE OF AGREEMENT	TOTAL AMOUNT PAID BY THE COMPLAINANT (In Rs.)	INTEREST (In Rs.)	TOTAL AMOUNT TO BE REFUNDED BY RESPONDENT (In Rs.)
1.	843/2019	20.06.2011	23,28,757/-	24,80,031/-	48,08,788/-
2.	844/2019	01.11.2010	27,93,426/-	28,92,775/-	56,86,201/-
3.	845/2019	01.11.2010	28,16,092/-	27,76,548/-	55,92,640/-
4.	846/2019	01.11.2010	22,15,612/-	22,97,090/-	45,12,702/-
5.	847/2019	07.04.2010	20,29,291/-	20,45,267/-	40,74,558/-
6.	848/2019	23.06.2010	20,83,712/-	21,52,856/-	42,36,568/-
7.	849/2019	16.01.2013	28,12,142/-	28,53,374/-	56,65,516/-
8.	850/2019	27.09.2013	26,41,498/-	27,43,267/-	53,84,765/-
9.	851/2019	15.04.2010	18,80,838/-	19,48,485/-	38,29,323/-
10.	852/2019	06.06.2010	21,99,617/-	22,25,651/-	44,25,268/-
11.	996/2019	23.04.2010	24,92,601/-	25,37,300/-	50,29,901/-
12.	997/2019	01.11.2010	30,00,776/-	30,69,165/-	60,69,951/-

13.	998/2019	06.06.2010	19,38,735/-	20,26,097/-	39,64,832/-
14.	999/2019	10.02.2011	31,37,825/-	32,13,557/-	63,51,382/-
15.	1036/2019	01.06.2010	27,89,982/-	28,92,117/-	56,82,099/-
16.	1037/2019	29.07.2010	23,33,502/-	24,65,079/-	47,98,581/-
17.	1038/2019	07.07.2011	17,90,631/-	18,52,930/-	36,43,561/-
18.	1051/2019	24.02.2011	26,43,911/-	25,94,018/-	52,37,929/-
19.	1079/2019	23.06.2010	23,50,600/-	24,30,221/-	47,80,821/-
20.	1082/2019	07.04.2010	24,19,976/-	25,12,160/-	49,32,136/-
21.	1291/2019	01.11.2010	26,46,500/-	27,16,722/-	53,63,222/-
22.	1292/2019	04.08.2015	24,80,748/-	23,91,791/-	48,72,539/-
23.	1640/2019	21.04.2015	24,88,045/-	25,70,716/-	50,58,761/-
24.	1831/2019	28.11.2013	17,22,430/-	19,71,021/-	36,83,451/-
25.	2564/2019	03.03.2012	23,84,208/-	24,60,483/-	48,44,691/-
26.	2705/2019	01.10.2010	23,69,712/-	19,51,788/-	43,21,500/-
27.	2976/2019	20.04.2015	23,00,202/-	22,58,141/-	45,58,343/-
28.	32/2022	10.09.2010	25,71,164/-	25,06,485/-	50,77,649/-

7. It is pertinent to mention here that there exist no mistake as to calculations in above captioned 6 complaint cases, i.e., Complaint case no.'s 843 of 2019, 849 of 2019, 1082 of 2019, 1292 of 2019, 2564 of 2019 and 2976 of 2019. Therefore, amount paid by complainants, amount of delay interest to be paid by respondent promoter to complainants and total amount to be refunded by respondent promoter to complainants is still the same.

8. **Disposed of.** Files be consigned to record room of Authority after uploading of this order on website of Authority.

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DR. GEETA RATHEE SINGH
[MEMBER]

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NADIM AKHTAR
[MEMBER]