



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 3044 OF 2019

(Re-opened for Rectification Application)

Raj Kumar

....COMPLAINANT

VERSUS

TDI Infrastructure Limited.

....RESPONDENT

CORAM:

Dr. Geeta Rathee Singh

Member

Nadim Akhtar

Member

Date of Hearing: 24.01.2023

Hearing: 3rd

Present: -

Mr. Vikrant Dabas, Son of the the complainant

Mr. Shubhnit Hans, Counsel for respondent through VC.

ORDER (NADIM AKHTAR- MEMBER)

1. Captioned complaint was disposed of by the Authority vide order dated 07.12.2021, granting relief of payment of delay interest amounting to ₹ 19,30,607/- and further monthly interest @ ₹ 22,068/- to be paid to complainant by the respondents from date of order till the date receipt of Completion Certificate. Relevant part of order dated 07.12.2021 is reproduced below for reference:

“5. Since complainant wishes to wait for delivery of possession till offer of possession after obtaining of Occupation Certificate by the respondent, therefore, he shall be entitled to a

further amount of delay interest till a legally valid possession is offered after obtaining Occupation Certificate from department concerned. As per calculations made by Accounts Branch, the amount payable by respondent to the complainant on account of interest for delay in handover of possession of the unit up to the date of passing of this order has been worked out to Rs. 19,30,607/-. The Authority orders that upfront payment of Rs.19,30,607/- will be made to complainant on account of delay caused in offering possession within 90 days and further monthly interest @ Rs.22068/- will be paid to complainant by the respondent w.e.f. 07.12.2021 till the date a legally valid offer of possession is made.

Disposed off. *File be consigned to record room and order be uploaded on the website of the Authority.”*

2. Thereafter, respondent filed an application for review of order dated 07.12.2021 on the ground that in the impugned order it has not been stated that respondent is entitled to collect the outstanding dues from complainant at the time of final settlement of receivable and payable amount.
3. Upon perusal of the application file by the respondent it is observed that the respondent is seeking amendment of the substantive part of order dated 07.12.2021 which amounts to review of the impugned order. It is pertinent to mention that under section 39 of the RERA Act of 2016, the Authority may, with a view to rectify any mistake apparent from the record, amend any order passed by it. However, proviso to section 39

further provides that the Authority shall not, while rectifying any mistake apparent from record, amend substantive part of its order passed under the provisions of the RERA Act, 2016. Authority cannot review its order, therefore the application filed by the respondent is rejected. Respondent is at liberty to avail other remedies available as per law.

4. In view of the above, application filed by the respondent for review of the order dated 07.12.2021 is dismissed.



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DR. GEETA RATHEE SINGH
[MEMBER]



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NADIM AKHTAR
[MEMBER]