



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1131 OF 2020

(Re-opened for Rectification Application)

Sneh Lata

....COMPLAINANT

VERSUS

TDI Infrastructure Limited.

....RESPONDENT

CORAM:

Dr. Geeta Rathee Singh

Member

Nadim Akhtar

Member

Date of Hearing: 24.01.2023

Hearing: 4th

Present: -

Mr. Vikas Deep, Counsel for the complainant through VC
Mr. Shubhnit Hans, Counsel for respondent through VC.

ORDER (NADIM AKHTAR- MEMBER)

1. Captioned complaint was disposed of by the Authority vide order dated 08.04.2021, granting relief of payment of delay interest amounting to ₹ 16,62,606/- and further monthly interest @ ₹ 25,383/- to be paid to complainant by the respondents till the date receipt of Completion Certificate. Relevant part of order dated 08.04.2021 is reproduced below for reference:

“

In the present case, complainant wants to wait for a legally valid handover of

hand

possession i.e. along with Occupation Certificate subject to upfront payment of interest amount for delay in delivery of possession till 31.03.2021. As per calculations by the office of the Authority, respondent is liable to pay Rs.16,62,606/- as interest on account of delay in delivery of possession to complainant till 31.03.2021. Hence, respondent is directed to make an upfront payment of Rs. 16,62,606/- as interest for delay in delivery of possession to the complainant within 45 days of uploading of this order on the website of the Authority. Since, a legally valid offer of possession is yet to be made, respondent shall also pay monthly interest amounting to Rs. 25,383/- to the complainant from date of order till valid handover of the unit i.e. till the date of receipt of Occupation Certificate.

It is contended by learned counsel for the complainant that super area of her unit shall be adjudged as per order dated 19.03.2019 passed by the Authority in bunch of complaints i.e. Complaint No. 734-738 of 2018 titled as Pavel Garg vs TDI Infrastructure Ltd., and to dispose of the present case as per aforesaid complaints. Respondent is directed to recalculate super area and issue revised statement of accounts as per principles laid down by the Authority in the aforesaid complaint and charge amounts from the complainant accordingly.

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

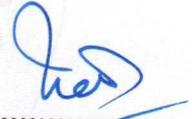
2. Thereafter, respondent filed an application for review of order dated 08.04.2021 on the ground that in the impugned order it has not been stated that respondent is entitled to collect the outstanding dues from complainant at the time of final settlement of receivable and payable amount.



3. Upon perusal of the application filed by the respondent it is observed that the respondent is seeking amendment of the substantive part of order dated 08.04.2021 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. Thus, Authority cannot review its order. Therefore, the application filed by the respondent for review of the order dated 08.04.2021 is rejected/ dismissed.



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DR. GEETA RATHEE SINGH
[MEMBER]



.....
NADIM AKHTAR
[MEMBER]