



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2669 OF 2019 (Re-opened for Rectification Application)

Amita

....COMPLAINANT

VERSUS

TDI Infrastructure Limited.

....RESPONDENT

CORAM: Dr. Geeta Rathee Singh Member
Nadim Akhtar Member

Date of Hearing: 24.01.2023

Hearing: 11th

Present: - Mr. Chetan Bansal, Counsel for 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 28.04.2021, granting relief of payment of delay interest amounting to ₹ 16,98,386/- and further monthly interest @ ₹ 22,412/- to be paid to complainant by the respondents w.e.f. 28.04.2021 till the date receipt of Completion Certificate. Relevant part of order dated 28.04.2021 is reproduced below for reference:

“

The Authority orders that the complainant can make a choice out of the following two options being given to her :

(i) The complainant may either wait for receipt of occupation certificate for the project whereafter a legally valid offer of possession will be made to her. The Authority orders that upfront payment of Rs.16,98,386 will be made to her on account of delay caused in offering the possession and further monthly interest @ Rs.22,412/- will be payable to her by the respondent up to the date of legally valid offer of possession.

(ii) The second option available with the complainant is that she may take possession of the apartment immediately in which case delay interest calculated up to 28th April, 2021 amounting to Rs.16,98,386/- shall be payable to her by respondent. However, further monthly interest shall not be payable because of complainant having taken possession of the apartment as per her own choice.

The complainant may exercise any of the above option and convey the same to the respondent within 30 days of uploading of this order on the portal of the Authority. The respondent shall take action in accordance with the option exercise by the complainant within 45 days of the communication received from the complainant.

Disposed of in above terms. 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 28.04.2021 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 28.04.2021 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 28.04.2021/dismissed.



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DR. GEETA RATHEE SINGH
[MEMBER]



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NADIM AKHTAR
[MEMBER]