



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2875 OF 2019

(Re-opened for Rectification Application)

Satish Kumar Dahiya

....COMPLAINANT

VERSUS

TDI Infrastructure Limited.

....RESPONDENT

CORAM:

Dr. Geeta Rathee Singh

Member

Nadim Akhtar

Member

Date of Hearing: 24.01.2023

Hearing: 10th

Present: -

None 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 06.07.2021. Relevant part of order dated 06.07.2021 is reproduced below for reference:

"1. Despite granting four opportunities to the respondent to file component-wise comparative chart of super area of the complainant's unit, the respondent has failed to file the same. Today he is seeking some more time to file the same.

2. Learned counsel for the complainant has pleaded that since the facts of the case are similar to Complaint No. 607 of 2018 titled as Vivek Kadyan Vs M/s TDI Infrastructure Ltd and the

principle grievance of the complainant is regarding increase in the area of booked unit from 1224 sq. fts to 1456.56 sq. fts., so the case may be disposed of in accordance with the aforesaid decided case, without any further delay.

3. On request of complainant's counsel, case is disposed of in terms of the principles laid down in Complaint No. 607 of 2018 titled as Vivek Kadyan Vs M/s TDI Infrastructure Ltd. The respondent shall recalculate the super area accordingly. The complainant will be at liberty to approach this Authority again in case grievance in this regard remains unresolved.

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 06.07.2021 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 06.07.2021 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

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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 06.07.2021 is rejected/dismissed.



.....
Dr. GEETA RATHEE SINGH
[MEMBER]



.....
NADIM AKHTAR
[MEMBER]

