



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2679 OF 2022

(Rectification Application)

Suresh Kumar Gupta

....COMPLAINANT

VERSUS

Ansal Properties & Infrastructure Pvt. Ltd.

....RESPONDENT

**CORAM: Dr. Geeta Rathee Singh
Nadim Akhtar**

**Member
Member**

Date of Hearing: 01.03.2023

Hearing: 1st

**Present through video call: - Sh. Ashish Bakshi, learned counsel for the
Complainant.**

None for the respondent

Geeta Rathee

ORDER (DR. GEETA RATHEE SINGH -MEMBER)

1. Ld. counsel for the complainant filed this review application praying for the rectification of orders dated 01.04.2022 passed in the complaint no. 1534 of 2020 titled as "Suresh Kumar Gupta Versus Ansal Properties & Infrastructure Pvt. Ltd". Complainant in the present application has raised the ground that vide order dated 01.04.2022, when relief of refund of amount of Rs. 21,94,252.5/- was granted in favour of complainant, at that time certain receipts were not in possession of complainant due to which Authority had granted refund of Rs. 21,94,252.5/- instead of Rs. 22,47,267/-. Now, complainant wishes to place on record those missing receipts. Accordingly, Complainant prayed for amendment in final order dated 01.04.2022.
2. Relevant paragraph 7 of order dated 01.04.2022 is reproduced herein below:

"In complaint no 1534/20, complainant has alleged that he had paid an amount ₹ 22,47,267/- . However, he had annexed a table at page no 5 of complaint, whereby details of paid amount of ₹ 21,94,252.5/- has been provided and as proof of it, receipts of paid amount of ₹ 21,94,252.5/- are only annexed at page no. 37 to 54 of complaint. Accordingly, complainant is entitled to receive interest on amount of ₹ 21,94,252.5/- instead of claimed amount of ₹ 22,47,267/-."


In view of the above mentioned order, the Authority observes that at the time of disposal of complaint, amount to be refunded was calculated on the basis of receipts submitted by the complainant and now, if the request of the complainant to allow him to place on record the missing receipt is allowed

and based on that new amount is ordered to be refunded, the same shall amount to change in substantive part of the order dated 01.04.2022, which is clearly barred by the proviso to Section 39 of RERA Act 2016.

3. Authority under section 39 of the RERA Act, 2016 is mandated to rectify clerical mistakes apparent on the face of record. The RERA Act, 2016 does not entrust the power of review on the Authority.
4. Relief sought by the applicant complainant is in the nature of review application and not rectification of error apparent on the face of record and if the relief is allowed the same shall result in amendment of the operative/substantive part/review of the judgment of the Authority.
5. For the above stated reasons, the present review/rectification application is hereby **disposed of as dismissed.**

File be consigned to record room after uploading of this order on the website of the Authority.


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NADIM AKHTAR
[MEMBER]


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DR. GEETA RATHEE SINGH
[MEMBER]