



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 269 OF 2022

(Reopened for rectification application)

Gaurav Malik And Rajiv Dhawan

....COMPLAINANT(S)

VERSUS

Gold Souk Infrastructure Pvt. Ltd.

....RESPONDENT(S)

CORAM:

**Dr. Geeta Rathee Singh
Nadim Akhtar**

**Member
Member**

Date of Hearing: 13.12.2022

Hearing: 4th

Present: - Mr. Raghav Pahwa, Ld. Counsel for the Complainant.

None for the respondent

ORDER (NADIM AKHTAR-MEMBER)

1. Ld. counsel for the complainant filed the rectification application praying for the rectification of orders dated 10.08.2022 passed in the present complaint whereby the captioned complaint was disposed of and refund was allowed to the complainant. Complainant in the present rectification application has raised the ground that the order dated 10.08.2022 fails to specify the penalty which will be imposed on respondent in case the amount specified in the disposal order is not paid as per rule 16 of HRERA rules, 2017. He prayed that relevant order dated 10.08.2022 may be amended/rectified

to provide for the penalty for which respondent will be subject to in case amount is not refunded by the respondent.

2. Pursuing the order dated 10.08.2022, it can be observed that respondent was directed to refund the amount within 90 days as per rule 16 HRERA Rules, 2017. Adding the penalty provision via this rectification application will amount to changing the substantive part of the order.

3. Authority under section 39 of the RERA Act, 2016 only have the power 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. In Fact the proviso 2 to section 39 categorically 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 Act.

6. For the above stated reasons, the present rectification application is hereby **dismissed.**



.....
DR. GEETA RATHEE SINGH
[MEMBER]



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NADIM AKHTAR
[MEMBER]