



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

Rectification (Complaint) No. 531 OF 2023

In

Complaint No. 2354 of 2022

Raj Kumar GoyalCOMPLAINANT

VERSUS

Samar Estates Pvt. Ltd.RESPONDENT

Date of Hearing: 18.04.2023

Present: - Mr. Vishal Madaan, Advocate, counsel for complainant
None for respondent

ORDER (NADIM AKHTAR-MEMBER)

Complaint no. 2354 of 2022 titled as 'Raj Kumar Goel versus Samar Estates Pvt. Ltd.' was disposed of by the Authority vide order dated

20.12.2022 allowing refund of the paid amount along with interest i.e., ₹78,41,979/- in favour of complainant.

2. An application has been filed by Mr. Vishal Madaan, Advocate, counsel for complainant for rectification of the above said order. It is informed via application that flat no. and paid amount by the complainant were wrongly mentioned as O-404 and ₹21,50,000/- respectively, whereas as per the complaint filed, complainant booked flat bearing no. O-601 and paid an amount of ₹38,81,181/- against booking of said flat. It is further pleaded that complainant had deposited an amount of ₹38,81,181/- as principal amount whereas Authority has calculated interest on the principal amount of ₹32,90,000/- on the ground that receipts for amounts of ₹1,83,000/- and ₹4,08,181/- have not been placed on record. Learned counsel for complainant prayed that interest for the amount of ₹1,83,000/- be granted to the complainant by taking into consideration the list of allottees provided by the respondent builder on its website which shows that an amount of ₹34,73,000/- has been received from the complainant. Payment of ₹4,08,181/- was paid to the respondent builder in cash, therefore, no proof has been placed on record.

3. Authority after consideration of said application and on perusal of the complaint no.2354 of 2022, observed that following clerical mistakes on the face of record have occurred which are required to be rectified. Therefore, the Authority in exercise of its powers under Section 39 of the



RERA Act, 2016 rectifies the clerical mistakes and make the following modifications:

- i. Flat no. O-404 be read as flat no. O-601
- ii. Date of builder buyer agreement dated 29.06.2007 be read as 24.12.2007
- iii. Paid amount ₹21,50,000/- in para no.1 be read as ₹38,81,181/-
- iv. Refund amount of ₹21,50,000/- in para no.5 be read as ₹32,90,000/-
- v. Page no. not mentioned in para no. 6 be read as page no.6
- vi. Numbering of para no.5 and be read as para no. 6 and 7

The order dated 20.12.2022 passed by the Authority stands rectified to the extent of above made corrections.

4. Regarding interest for the amount of ₹1,83,000/-, Authority vide its order dated 20.12.2022 had held that no proof has been placed on record by the complainant with respect to payment of this amount and therefore, interest was granted on the principal amount of ₹32,90,000/- for which relevant documents/receipts were placed on record. In view of provisions under section 39 of the RERA Act, 2016, only clerical mistakes apparent on the face of record, can be rectified. Prayer of the complainant to now pay interest on ₹1,83,000/- amounts to review of the order and as such said prayer for rectification is declined.

5. With the partial rectification of clerical mistake, present rectification application is hereby **disposed of**. File be consigned to record room after uploading of this order on the website of the Authority.

Geeta Rathee

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DR. GEETA RATHEE SINGH
[MEMBER]

Nadim Akhtar

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NADIM AKHTAR
[MEMBER]

