



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 565 OF 2022

(re-opened for rectification application dated 22.02.2023)

Kanta Rani & Anr

....COMPLAINANT(S)

VERSUS

Haryana Shri Vikas Pradhikaran

...RESPONDENT(S)

CORAM: Dr. Geeta Rathee Singh
Nadim Akhtar

Member
Member

Date of Hearing: 28.03.2023

Hearing: 5th

Present: - Mr. Gaurav Gupta, learned counsel for the complainants
through video conference
None for the respondent

ORDER (NADIM AKHTAR-MEMBER)

The present complaint was disposed of vide order dated 07.12.2022 whereby complainant was awarded the delay interest for the period of delay in handing over the possession i.e., from 18.07.2021(deemed date of possession) upto to

21.10.2022 (date of delivery of the actual possession of the plot). The relevant part of the order is reproduced below:

“13. iv) As per the mandate of law, prayer of the complainant is justified and he is entitled for the delay interest for the period of delay in handing over the possession i.e. from 18.07.2021 (deemed date of possession) upto 21.10.2022 (date of delivery of the actual possession of the plot).

v) Hence, Authority directs the respondent to pay to the complainant delay interest from the deemed date of possession i.e., 18.07.2021 till passing of the order i.e., 07.12.2022 at the rate prescribed in Rule 15 of Haryana Real Estate (Regulation and Development) Rules, 2017 i.e. at the rate of SBI highest marginal cost of lending rate (MCLR) + 2% which as on date works out to 10.35 % (8.35%+2.00%). Accordingly, delay interest which has got calculated by the Accounts Branch of the Authority works out to ₹ 2,74,521/-.”


14. Respondent is directed to make payment of ₹ 2,74,521/- to the complainant within 90 days from the date of uploading of this order, as provided in Rule 16 of Haryana Real Estate (Regulation and Development) Rules, 2017.”

2. An application has been filed by the complainant dated 22.02.2023 for the rectification of the typographical error in the aforesaid order. In the said application, they stated that the Accounts department has wrongly calculated the interest of ₹2,74,521/- for the period 18.07.2021 to 07.12.2022 on amount of ₹1,90,57,400/-. The interest comes out to ₹27,94,291/- which has been wrongly mentioned as ₹2,74,521/-. Thus, complainants have prayed for the correction of the calculation in the final order dated 07.12.2022 by awarding the sum of ₹27,94,291/- in place of ₹ 2,74,521/-.

2. Perusal of the order dated 07.12.2022 reveals that due to typographical mistake inadvertently the amount of ₹2,74,521/- has been written. The amount which was calculated by the Accounts branch of this Authority from the deemed date of possession i.e., 18.07.2021 till passing of the order i.e., 07.12.2022 at the rate prescribed in Rule 15 of Haryana Real Estate (Regulation and Development) Rules, 2017 comes out to ₹ 27,45,205/-. Therefore, the amount payable to the complainant is ₹27,45,205/ instead of ₹2,74,521/-. An amount mentioned in the para no. 13 and 14 of the order dated 07.12.2022 may be read as ₹27,45,205/-.

3. Thus, rectification application dated 22.02.2023 is allowed to the extent of correction in the amount of ₹27,45,205/- instead of ₹2,74,521/-.

File be consigned to record room after uploading the order in the continuation of the order dated 07.12.2022.


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


.....
NADIM AKHTAR
[MEMBER]