



## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: [www.haryanarera.gov.in](http://www.haryanarera.gov.in)

### COMPLAINT NO. 2685 OF 2022

(Rectification Application)

Ruby Sobti

....COMPLAINANT

VERSUS

Ansal Properties & Infrastructure Pvt. Ltd.

....RESPONDENT(S)

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

**Member  
Member**

**Date of Hearing: 01.03.2023**

**Hearing: 1<sup>st</sup>**

**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 the application praying for the rectification of orders dated 01.04.2022 passed in the complaint no. 1540 of 2020 titled as "Ruby Sobti Versus Ansal Properties & Infrastructure Pvt. Ltd". Complainant in the present rectification application has stated that vide order dated 01.04.2022, wherein relief of refund of amount of Rs. 16,47,836/- was granted in favour of complainant, certain receipts were not in possession of complainant due to which Authority had granted refund of Rs. 16,47,836/- (on the basis of receipts submitted) instead of actual paid amount of Rs. 18,23,811/-. Now, complainant wishes to place on record those missing receipts. Accordingly, Complainant prayed for amendment in final order dated 01.04.2022.
2. After perusal of order dated 01.04.2022, it is considerable to reproduce para 7 of the said order:

*"In complaint no 1540/20, complainant has alleged that he had paid an amount ₹ 18,23,811/-. However, he had annexed a table at page no 5 of complaint, whereby details of paid amount of ₹ 16,47,836/- has been provided and as proof of it, receipts of paid amount of ₹ 16,47,836/- are only annexed at page no. 37 to 52 of complaint. Accordingly, complainant is entitled to receive interest on amount of ₹ 21,94,252.5/- instead of claimed amount of ₹ 18,23,811/-."*

From above order reproduced, it is clear that at the time of disposal of order amount to be refunded was calculated on the basis of receipts available on the file. Now, if the request of the complainant 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 only clerical mistakes apparent on the face of record. The RERA Act, 2016 does not entrust the power of review on the Authority. However, during perusal of case file a clerical mistake in para no.7 has come to the notice of the Authority, wherein amount on which interest was calculated was inadvertently mentioned as ₹ 21,94,252.5/-, however, interest was actually calculated on amount of ₹ 16,47,836/- as complainant has placed on record receipts of this amount only. Now, amount mentioned as ₹ 21,94,252.5/- in para 7 at page no.10 of the final order dated 01.04.2022 is being corrected and substituted with amount of ₹ 16,47,836/-.
4. Correction mentioned in para 7 at page no. 10 of this order is allowed. Further, it is clarified that complainant's relief is in the nature of review application and not rectification of error apparent on the face of record. If the said 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 disposed off with partially allowing the correction mentioned in para 7 of this order.

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



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**NADIM AKHTAR**  
**[MEMBER]**



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

