



## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

(REOPENED FOR RECTIFICATION)

COMPLAINT NO. 1108 OF 2021

Pankaj Singh Yadav and Prithvi Singh Yadav .....COMPLAINANT(S)

VERSUS

Raheja Developers limited .....RESPONDENT

**CORAM: Dr. Geeta Rathee Singh Member**

**Nadim Akhtar Member**

**Date of Hearing:** 26.04.2023

**Hearing:** 4th (Reopened)

**Present: -** Mr. Sita Ram Barvaria, Ld. counsel for the complainants

Mr. Kamaljeet Dahiya, Ld. counsel for respondent

### **ORDER (DR. GEETA RATHEE SINGH - MEMBER)**

1. Captioned complaint was disposed of by the Authority vide order dated 01.04.2022 as a part of bunch complaints with lead case as Complaint no. 529 of 2018, granting relief of refund of amount paid by the complainant alongwith delay interest calculated in accordance with Rule 15 of the RERA

*Dr. Geeta Rathee*

Rules. The admissible amount to be paid to complainant by the respondent was Rs.53,19,671/- as refund of the principal paid amount and Rs. 39,03,275/- as interest accrued till date of order, totaling to Rs. 92,22,946/-. Relevant part of order dated 01.04.2022 is reproduced below for reference:

“8. Authority accordingly hereby orders refund of the amount paid by the complainants along with interest in accordance with Rule 15 of the RERA Rules, 2017. The principal amount and interest thereon payable to each of the complainants is tabulated below:-

S.No	Complaint No.	Date of Agreement	Amount Paid	Interest	Total
1.	529/18	22.06.2013	Rs. 18,30,454/-	Rs. 14,33,353/-	Rs. 32,63,807/-
2.	755/18	14.09.2013	Rs. 59,96,347/-	Rs. 45,20,675/-	Rs. 1,05,17,022/-
3.	1068/18	28.05.2013	Rs. 20,29,038/-	Rs. 15,74,679/-	Rs. 36,03,717/-
4.	1069/18	01.06.2013	Rs. 20,77,829/-	Rs. 16,42,091/-	Rs. 37,19,920/-
5.	2144/19	22.06.2013	Rs. 33,14,988/-	Rs. 26,25,755/-	Rs. 59,40,743/-
6.	3052/19	03.06.2013	Rs. 17,80,475/-	Rs. 14,80,607/-	Rs. 32,61,082/-
7.	220/20	26.06.2013	Rs. 21,31,404/-	Rs. 16,64,405/-	Rs. 37,95,809/-
8.	274/20	22.06.2013	Rs. 22,56,145/-	Rs. 17,83,327/-	Rs. 40,39,472/-
9.	1104/20	17.06.2013	Rs. 18,77,038/-	Rs. 14,64,485/-	Rs. 33,41,523/-
10.	1298/20	24.06.2013	Rs. 20,67,026/-	Rs. 16,40,274/-	Rs. 37,07,300/-
11.	1321/20	24.06.2013	Rs. 20,67,001/-	Rs. 16,28,165/-	Rs. 36,95,166/-
12.	1324/20	22.06.2013	Rs. 20,67,951/-	Rs. 16,40,456/-	Rs. 37,08,407/-
13.	1454/20	22.06.2013	Rs. 20,68,026/-	Rs. 16,32,322/-	Rs. 37,00,348/-
14.	370/21	25.07.2013	Rs. 44,64,907/-	Rs. 33,71,684/-	Rs. 78,36,591/-
15.	1108/21	25.07.2013	Rs.	Rs.	Rs. 92,22,946/-

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			53,19,671/-	39,03,275/-	
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9. Respondents are directed to refund above stated amounts along with interest shown in the table above within time period prescribed in Rule 16 of RERA Rules, 2017.

10. Complaints are **disposed off**. Files to be consigned to record room after uploading of order.”

2. Now, complainants filed an application for rectification of order dated 01.04.2022 on the ground that while filing complaint, amounts paid to the respondent were wrongly calculated by the complainants as shown in para 1(f) of complaint wherein some amounts were paid as TDS & VAT directly to the concerned departments on behalf of respondent were missed out by the complainant.

3. Ld. Counsel of the complainants have now placed on record statement of account maintained by the respondent in account ledger which clearly shows entries of TDS & VAT deposited by the complainant and vide present rectification application has requested that amount for refund should be re-calculated.

4. Upon perusal of the application filed by the complainants and documents /material available on case file, it is observed that refund amount along with interest i.e. Rs. 92,22,946/- (Rs. 53,19,671/- + Rs. 39,03,275/-) ordered to be paid to the complainant was calculated on the basis of the receipts/documents placed on

*Rattree*

record by the complainant at the time of adjudication of complaint no. 1108 of 2021. Complainants were obligated to submit proper record at the time of filing his original complaint. Authority has decided the matter on the basis of evidence adduced. Now after final decision, complainants cannot be allowed to produce additional documents with respect to deductions of TCS & VAT. So, new material/documents attached by the complainants along with this rectification application cannot be accepted at this stage for rectification of order dated 01.04.2022 passed by the Authority.

5. If, considering the new fresh documents filed by the complainants along with application for rectification, refund amount is amended. The same would amount to amendment of the substantive part of order dated 01.04.2022, which would amount to review of its own order.

6. Under section 39 of the RERA Act of 2016, the Authority may, with a view to rectify any mistake apparent from the record, amend any order passed by it. However, proviso to section 39 further 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 RERA Act, 2016. Authority cannot review its own order; therefore the application filed by the complainant is rejected. Complainant is at liberty to avail other remedies available as per law.

Rathee

7. So, Application filed by the complainant for rectification of the order dated 01.04.2022 is dismissed. This order may be uploaded alongwith order dated 01.04.2022 on the website of the Authority.

*Nadim Akhtar*

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

*Dr. Geeta Rathee Singh*

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

