HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 541 OF 2022

Dinesh Kumar Chawla & Himanshu Chawla ....COMPLAINANT(S)

VERSUS

1. TDI Infracorp Ltd
2. TDI Realcon Pvt Ltd ....RESPONDENT(S)

CORAM: Dr. Geeta Rathee Singh Member

Nadim Akhtar Member

Date of Hearing: 12.07.2023

Hearing:4th

Present: Ms. Hetal Chawla, Counsel for the Complainant through VC.

Mr. Karan Inder, Counsel for the Respondent through VC.

ORDER: (DR. GEETA RATHEE SINGH-MEMBER)

Captioned complaint was disposed of vide order dated 20.12.2022 with the following directions:-

" I. DIRECTIONS OF THE AUTHORITY

Hence, the Authority hereby passes this order and issues following directions under Section 37 of the Act to ensure compliance of obligation cast upon the promoter as per the function entrusted to the Authority under Section 34(f) of the Act of 2016:

Rathee

(i) *Respondent is directed to refund the entire amount of ₹ 1,24,14,844/-.to the complainant.*

(ii) *A period of 90 days is given to the respondent to comply with the directions given in this order as provided in Rule 16 of Haryana Real Estate (Regulation & Development) Rules, 2017 failing which legal consequences would follow.*

*16.The complaint is, accordingly, **disposed of.** File be consigned to the record room and order be uploaded on the website of the Authority."*

2. Complaint has been re-opened and listed for today for the reason that complainant's counsel Ms. Hetal Chawla has filed an application under Section 39 of RERA Act,2016 dated 06.03.2023 in registry of office seeking rectification of two clerical errors in order dated 20.12.2022. First one is regarding mentioning of name of only one complainant (Dinesh Kumar Chawla)instead of two complainants- Dinesh Kumar Chawla & Himanshu Chawla in the name of parties to complaint. Ld. counsel for complainant stated that the memo of parties filed at the time of institution of complaint mentions the name of both the complainants, however inadvertently name of both the complainants is not mentioned in the final order dated 20.12.2022. Second one is regarding mentioning of wrong name of complainant's counsel and respondent's counsel in presence of said order. Name of Sh. Vikas deep, has been mentioned instead of correct counsel name i.e Ms. Hetal Chawla, Counsel for complainant and Name of Sh. Shubhnit Hans has been

mentioned instead of correct counsel name i.e Mr. Ajay Ghangas, Counsel for respondent.

3. Ld. counsel for respondent stated that he has no objection to the abovementioned rectification application.

4. On perusal, it is found that typographical/clerical errors pointed out by complainant's counsel are apparent on record and said errors can be rectified by virtue of Section 39 of RERA Act,2016. So, application for rectification stands allowed. Accordingly, after rectifying said errors, the name of complainant be read as Dinesh Kumar Chawla & Himanshu Chawla. Name of complainant's counsel be read as Ms. Hetal Chawla and name of respondent's counsel be read as Mr. Ajay Ghangas in order dated 20.12.2022.

5. Case is **disposed of** in above terms. File be consigned to record room.

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NADIM AKHTAR
[MEMBER]

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DR. GEETA RATHEE SINGH
[MEMBER]