



# HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

(Reopened for deciding Application)

COMPLAINT NO. 2144 OF 2019

Babita Yadav and Attar Singh

....COMPLAINANT(S)

VERSUS

Raheja Developers Ltd.

....RESPONDENT

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

Member  
Member

**Date of Hearing:** 13.09.2023

**Present:** - Sh. Dhiraj Sammi, Counsel for the complainants through VC

None for the respondent

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

1. Ld. counsel for the complainants filed an application praying for the correction of order dated 01.04.2022 passed in the present complaint whereby the captioned complaint was disposed of and respondent was

*Geeta Rathee*

directed to refund the paid amounts to the complainants along with interest. Complainants in the present application has raised the following grounds :

(A) Complainants have alleged that an amount of ₹ 36,68,951/-was paid to the respondent. However, in para 8 of the order dated 01.04.2022, Authority had granted relief of refund of paid amount ₹ 33,14,988/- and interest on the same of ₹ 26,25,755/-. Whereas complainants have prayed for refund of full paid amount of ₹ 36,68,951/-. Therefore, present application has been filed seeking amendment in para 8 of the order and correcting the paid amount and interest thereupon.

2. On perusal of records and order dated 01.04.2022, it is observed that respondent was directed to refund the paid amount of Rs. 33,14,988/- along with interest of Rs. 26,25,755/-. In total an amount of Rs. 59,40,743/- was to be refunded to the complainants by the respondent-promoter. However, complainants in the present application have prayed for recalculating the paid amount and interest thereon. Complainants have alleged that while calculating the total paid amount, some receipts were not taken into account due to which total amount paid by the complainants were considered as Rs. 33,14,988 and not Rs. 36,68,951/-. Therefore, appropriate amendments be made in the final order.
3. Authority on consideration of oral and written submission/documents submitted by the complainants, is of the view that the total amount to be refunded by the respondent promoter cannot be rectified for the reason

that said amount was correctly calculated after perusal of all the receipts submitted by the complainants. Further, complainants stated that inadvertently certain receipts may have been skipped while calculating the paid amount as all receipts are annexed at page no. 17-34, but on perusal of records, it is found that complainants had annexed the receipts of amount of ₹ 33,14,988 /- only, therefore in final order dated 01.04.2022, relief for the same amount along with interest was awarded to the complainants.

4. Authority under section 39 of the RERA Act, 2016 is mandated to rectify clerical mistakes apparent on the face of record. The RERA Act, 2016 does not entrust the power of review on the Authority.
5. Further, it is clarified that complainants ground taken in present application has no merits in it and it is in the nature of review application and not rectification of error apparent on the face of record. If the relief is allowed, the same shall result in amendment of the operative/substantive part which amount to review of the judgment of the Authority.
6. 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.



7. For the above stated reasons, the present rectification application is hereby dismissed. File is **Disposed of as dismissed.**

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



.....  
NADIM AKHTAR  
[MEMBER]



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