



PROCEEDINGS OF THE DAY

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Day and Date	Tuesday and 25.07.2023
Complaint No.	MA NO. 127/2023 in CR/2179/2022 Case titled as Sangeeta Diwan Vs Vatika Limited
Complainant	Sangeeta Diwan
Represented through	Shri Garvit Gupta Advocate
Respondent	Vatika Limited
Respondent Represented	Shri Dhruv Dutt Sharma Advocate
Last date of hearing	Rectification of order
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The aforesaid complaint was disposed of vide order dated 02.12.2022. As per detailed order, the complainant-allottees were entitled for delay possession charges at the prescribed rate of 10.35% p.a. for every month of delay from the due date of possession i.e., 29.03.2016 till offer of possession + 2 months or actual handing over of possession whichever is earlier i.e., upto 25.09.2016 only (date of handing over of possession).

The complainant-applicants filed application on 12.05.2023 for rectification of order dated 10.11.2022.

Sr. No.	As per order	Changes proposed	Findings of the Authority
1.	The respondent is directed to pay delay possession charges at the prescribed rate of 10.35% p.a. for every month of delay from the due date of possession i.e., 29.03.2016 till offer of possession + 2 months or	1. In paras 47 and 48 of the order made certain observations which were not part of the pleadings of either of the parties and does not pertain to the complaint at all. There is no obligation on the part of the complainant to make any payment as wrongly observed in para 47 of the order.	The Authority observes that the aforesaid errors are inadvertent in nature as the OC of the subject unit has already been obtained on 06.06.2017. Since the OC of the project has already been obtained the respondent-builder is directed to handover the possession of the subject unit within two months and



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
MANO-127/2023 In CR/2179/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.एच.आर.डी. विभाग पू. सिविल लाईंस, गुरुग्राम, हरियाणा

<p>actual handing over of possession whichever is earlier i.e., upto 25.09.2016 only (date of handing over of possession).</p>	<p>Furthermore, plot no 48 as mentioned in para 48 of the order does not concern the complainant and should not have been mentioned in the said order. It seems that this Authority has due to inadvertent error, has wrongly passed orders for the reliefs which were not even claimed for and which have unnecessarily casted wrong obligation upon the complainant. Paras 47 and 48 of the order dated 02.12.2022 are required to be deleted. The respondent would be unjustly enriched at the cost of the complainant if the order dated 02.12.2022 is not rectified/modified and in the interest of justice the present application is liable to be allowed.</p> <p>the part of the order stands rectified to the extend.</p> <p>As far as direction with regard to payment by complainant is concerned towards consideration of allotted unit. It is hereby clarified that since the OC of the project has already been obtained and offer of possession is already made to the complainant. Therefore, the complainant should make payment of outstanding amount, if any, remains after adjusting all the dues.</p>
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Arguments heard.

The counsel for the respondent has no objection if the rectification in the order is allowed. **The rectification order may be read in continuation with the main orders dated 02.12.2022.** File be consigned to the registry.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member


Vijay Kumar Goyal
Member
25.07.2023