



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY

13

Day and Date	Tuesday and 05.09.2023
Complaint No.	CR/4346/2021 Case titled as Dinesh Chander Arora Vs OASIS Landmark LLP
Complainant	Dinesh Chander Arora
Represented through	Complainant in person
Respondent	OASIS Landmark LLP
Respondent Represented through	None
Last date of hearing	22.8.2023 Application for rectification
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The above-mentioned matter was heard and disposed of vide order dated 23.02.2023 wherein the Authority had directed the respondent to refund the paid-up amount after deducting 10% of the basic sale consideration and shall return amount along with interest at the rate of 10.70% (the State Bank of India highest marginal cost of lending rate {MCLR} applicable as on date + 2%) as prescribed under rule 15 of the Haryana Real Estate (Regulation and Development) Rules, 2017 from the date of request f withdrawal/surrender i.e., 31.05.2021 till the actual date of refund of the amount within the timelines provided in rule 16 of the rules.

The complainant has filed an application dated 05.06.2023 for rectification of order dated 23.02.2023 stating that the present complaint was disposed of on 23.02.2023 directing the respondent: *'The respondent is directed to refund the paid-up amount of Rs.1,45,88,900.98/- after deducting 10% of the lake consideration of Rs.1,65,56,606/- with interest at the prescribed rate i.e.,*



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CR 4346/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

10.70% is allowed on the balance amount from the date of request of withdrawal/surrender i.e., 31.05.2021 till the date if actual refund.'. The complainant is proposing following rectification as under:

S.No.	Matter sought to be rectified	Relevant page of detailed order dated 23.02.2023 showing error	Proposed rectification by the applicant-complainant with relevant page of paper book showing error
1.	Contradiction in para 18 and para 19 of detailed order.	Para 18 of the detailed order mentions 10% of the basic sale consideration however, para 19 mentions the deduction of 10% of the sale consideration of Rs.1,65,56,606/- [Page 27 of order dated 23.02.2023]	The deduction of 10% be done on basic sale consideration
2.	Rate of interest	In para 18 and 19(i), words 'per annum' is left out while tying the orders [Page 27 of order dated 23.02.2023]	Words 'per annum' be inserted in para 18 and 19(i) of the detailed order dated 23.02.2023

The authority observes that vide proceedings dated 23.02.2023, the authority has ordered as under:

"Refund is allowed after deducting 10% of basic sale consideration alongwith prescribed rate of interest i.e. 10.70% per annum."

Thereafter, vide detailed order of even date, the authority has made following observations and passed following directions in para 18 and 19 of the order:

"18. Keeping in view, the request of the complainant, the respondent/promotor directed to refund the paid-up amount after deducting 10% of the basic sale consideration and shall return the amount along with interest at the rate of 10.70% (the State Bank of India highest marginal cost of lending rate (MCLR) applicable as on date +2%) as prescribed under rule 15 of the Haryana Real Estate (Regulation and Development) Rules, 2017, from the date of



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GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/43/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

request of withdraw/surrender i.e. 31.05.2021 till the actual date of refund of the amount within the timelines provided in rule 16 of the Haryana Rules 2017 ibid.

G. Directions of the authority

19. Hence, the authority hereby passes this order and issues the following directions under section 37 of the Act to ensure compliance of obligations cast upon the promoter as per the function entrusted to the authority under section 34(f):

i. The respondent is directed to refund the paid-up amount of Rs. 1,45,88,900.98/- after deducting **10% of the sale consideration** of Rs. 1,65,56,606/- with interest at the prescribed rate i.e. 10.70% is allowed on the balance amount from the date of request of withdraw/surrender i.e., 31.05.2021 till the date of actual refund."

It is observed that vide proceedings dated 23.02.2023, the authority has allowed refund after deducting 10% of the basic sale consideration along with interest at the prescribed rate i.e., 10.70% per annum. Thereafter, vide para 18 of detailed order dated 23.02.2023, the authority has allowed refund after deducting 10% of the basic sale consideration along with interest at the prescribed rate i.e., 10.70%, however, word 'per annum' has been inadvertently omitted. Subsequently, in para 19(i) the words 'basic' and 'per annum' has been inadvertently omitted.

The aforesaid errors were inadvertently omitted while preparing the detailed order dated 23.02.2023 and the aforesaid errors being typographical apparent from the record and clerical in nature, the rectification in detailed order dated 23.02.2023 is allowed under section 39 read with section 38(2) of the Act. This order be read with and in continuation of detailed order dated 23.02.2023 as under:

"18. Keeping in view, the request of the complainant, the respondent/promotor directed to refund the paid-up amount after deducting **10% of the basic sale consideration** and shall return the amount along with interest at the rate of 10.70% **per annum** (the State Bank of India highest marginal cost of lending rate (MCLR) applicable as on date +2%) as prescribed under rule 15 of the Haryana Real Estate (Regulation and Development) Rules, 2017, from the date of request of withdraw/surrender i.e. 31.05.2021 till the actual date of refund of the amount within the timelines provided in rule 16 of the Haryana Rules 2017 ibid.

G. Directions of the authority

19. Hence, the authority hereby passes this order and issues the following directions under section 37 of the Act to ensure compliance of obligations cast upon the promoter as per the function entrusted to the authority under section 34(f):



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GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
CR/4/546/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

- i. *The respondent is directed to refund the paid-up amount of Rs. 1,45,88,900.98/- after deducting 10% of the basic sale consideration of Rs. 1,33,81,441/- with interest at the prescribed rate i.e. 10.70% per annum is allowed on the balance amount from the date of request of withdraw/surrender i.e., 31.05.2021 till the date of actual refund."*

Rectification application is allowed and shall stand disposed of. File be consigned to registry.

Ashok Sangwan
Member
05.09.2023