



## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

### COMPLAINT NO. 2335 OF 2022 (REVIEW)

Gaurav Malik and Rajiv Dhawan

....COMPLAINANTS

VERSUS

Gold souk Infrastructure Pvt. Ltd.

....RESPONDENT

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

**Member  
Member**

**Date of Hearing: 21.09.2023**

**Hearing: 2<sup>nd</sup>**

**Present: -Sh. Sanjeev Sharma, Counsel for the complainants through VC**

**Sh. Sahil Bansal, Counsel for the respondent through VC**

**ORDER (NADIM AKHTAR -MEMBER)**

1. Learned counsel for the complainant filed an application on 01.09.2023 praying for rectification of order dated 10.08.2022 passed in complaint no. 269 of 2022 titled as “Gaurav Malik and Rajiv Dhawan Versus Gold souk Infrastructure Pvt. Ltd.”, whereby respondent was directed to refund the paid amount along with interest which was calculated from date of making payments till the date of final order dated 10.08.2022, which comes to ₹ 63,00,248/-.
2. Sh. Sanjeev Sharma, learned counsel for the complainant in the present rectification application has raised the ground that in order dated 10.08.2022, relief of refund granted to complainant was till the date of final order, i.e. 10.8.2022. However, it should have been till the actual realization of the total amount. Secondly, in case respondent does not comply with the order dated 10.08.2022 than what penal interest will be paid by respondent till actual amount is paid.
3. Authority on consideration of said application and record observes that the reliefs sought by complainants are already a part of statute, which cannot be changed or denied. However, in order to clarify earlier passed order dated 10.08.2022, it is pointed out that the definition of ‘interest’ under Section 2 (zd) itself provides that ***“interest payable to the allottee shall be from the date, the promoter received the amount or part, till the date the amount is refunded to the allottee”***. Therefore, reliefs sought by complainants through this application are



not in nature of any error apparent on face of record rather a misinterpretation by the complainants. Authority under section 39 of the RERA Act, only have the power to rectify clerical mistakes apparent on the face of record. The RERA Act, 2016 does not entrust the power of review on the Authority.

4. Relief sought by the applicant complainant is in the nature of review application and not rectification of error apparent on the face of record and if the relief is allowed the same shall result in amendment of the operative/substantive part/review of the judgment of the Authority.
5. 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.
6. For the above stated reasons, the present application is hereby **dismissed**.

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

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

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