



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2553 OF 2023

Sanjeev Katarya and Yogita Katarya

....COMPLAINANTS

VERSUS

Raheja Developers Ltd.

....RESPONDENT

CORAM: Nadim Akhtar
Dr. Geeta Rathee Singh
Chander Shekhar

Member
Member
Member

Date of Hearing: 19.12.2023

Hearing: 1st hearing

Present: - Sh. Ashish Budhiraja Advocate, counsel for the complainant
through VC

None for the respondent

ORDER (NADIM AKHTAR - MEMBER)

1. Learned counsel for the complainant has filed captioned complaint on 20.11.2023 seeking rectification of order dated 17.05.2023 passed in the complaint no. 2353 of 2022 titled as "Sanjeev Katarya and Yogita Katarya Versus Raheja Developers Ltd.", whereby respondent was directed to refund an amount of ₹ 5,91,429/- along with interest of ₹ 4,88,447/-, totalling to ₹ 10,79,876/-. The said amount was calculated from date of making payments till the date of final order dated 17.05.2023 @ 10.70%. It was specifically mentioned that complainants had claimed that an amount of ₹ 7,83,329/- stands paid to respondent. However, after perusal of records, it was observed by the Authority that complainant had annexed the proof of payment of ₹ 5,91,429/- only. According, refund of amount of ₹ 5,91,429/- along with interest @ 10.70% was allowed in favour of complainant.
2. Sh. Ashish Budhiraja, learned counsel for the complainants in the present complaint has raised the ground that in order dated 17.05.2023, it has been observed by the Authority that complainant has annexed receipts of Rs. 5,91,429/- only and therefore complainants are entitled to refund of amount of ₹ 5,91,429/- along with interest @ 10.70%. However, complainants have alleged that an amount of ₹7,83,329/- stand paid to respondent and inadvertently while calculating the paid amount page no. 36 of complaint was skipped ,wherein copy of passbook of complainants



was annexed. Said document is a proof of payment of ₹ 1,91,900/-. Therefore, appropriate modification be made in the final order.

3. On perusal of records and order dated 17.05.2023, it is observed that respondent was directed to refund the paid amount of Rs. 5,91,429/- along with interest, i.e., Rs. 4,88,447/-. In total an amount of Rs. 10,79,876/- was to be refunded to the complainants by the respondent-promoter. However, complainants in the present complaint have prayed for recalculating the paid amount and interest thereon. He alleged that while calculating the total paid amount by the complainants, page no. 36 of the complaint was skipped due to which total amount paid by the complainant was considered as Rs. 5,91,429/- and not Rs. 7,83,329/-. Therefore, the final order dated 17.05.2023 be modified to this effect.
4. Authority on consideration of said application and record observes that at page no.36 of main complaint, a copy of passbook has been annexed, wherein amount of ₹ 1,91,900/- has been shown as paid to respondent-promoter on 10.08.2016. Further, complainant has also annexed copy of the same along with captioned rectification complaint as well. In view of above, Authority allow the relief sought by complainants through this rectification complaint, as it is clearly seen that it is an inadvertent error, apparent on record. Therefore, Authority under section 39 of the RERA Act, 2016 is mandated to rectify clerical mistakes/ errors apparent on the face of record. Rectification application is hereby allowed while



clarifying the final order dated 17.05.2023 that complainants are now, entitled to relief of refund of ₹7,83,329/- along with interest of ₹ 6,27,511/-, total comes to ₹14,10,840/- as calculated by the Authority from the date the promoter received the amount till the date of the order, i.e, 17.05.2023. Further, complainants are entitled to relief of refund along with interest from the dates the promoter received the amount or any part thereof till the date the amount or part thereof and interest thereon is refunded.

5. For the above stated reasons, the present corrections sought by way of present rectification complaint in the order dated 17.05.2023 is allowed. According, captioned complaint is **disposed off**.

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


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CHANDER SHEKHAR
[MEMBER]


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DR. GEETA RATHEE SINGH
[MEMBER]


.....
NADIM AKHTAR
[MEMBER]