



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		25	
Day and Date	Tuesday and 02.01.2024		
Complaint No.	MA NO. 417/2023 in CR/2376/2022 Case titled as Shobha Thapar and Raj Laxmi Talwar Vs. Vatika Ltd.		
Complainant	Shobha Thapar and Raj Laxmi Talwar		
Represented through	Shri Varun Kathuria Advocate		
Respondent	Vatika Ltd.		
Respondent Represented through	Ms. Ankur Berry Advocate		
Last date of hearing	Rectification application		
Proceeding Recorded by	Naresh Kumari and HR Mehta		
Proceedings-cum-orders			
<p>The above-mentioned matter was heard and disposed of vide order dated 24.05.2023 wherein the Authority had directed Since assured return being on higher side are allowed than delay possession charges, so the respondent is directed to pay the arrears of amount of assured return at agreed rate to the complainant(s) in each case from the date the payment of assured return has not been paid till the date of completion of construction of building. After completion of the construction of the building. The respondent/builder would be liable to pay monthly assured returns at agreed rate of the super area up to 3 years/36 months (different terminology use) or till the unit is put on lease whichever is earlier.</p> <p>Now the applicant/complainant has moved a rectification application dated 03.11.2023 and is proposing following rectification as under.</p>			
Sr. No.	Matter sought to be rectified	Details as per order dated 24.05.2023	Changes proposed

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



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New PWD Rest House, Civil Lines, Gurugram, Haryana

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1.	Name of the complainant	Shobha Thapar & Subhlakshmi Singh Sr. no. 6 at page 1 and 4 of the detailed order.	Shobha Thapar (Through Legal heirs), Rajlakshmi Talwar and Shubhlakshmi Singh
2.	Recording that OC/CC is not obtained till date	Para h on page 13 of the order "the construction of the unit was completed and the same was duly informed to the complainant vide letter dated 26.03.2018"	That the respondent has not received OC/CC for the project till date and therefore, the project or the construction thereof cannot be considered to be complete in the absence of OC and CC. The aforesaid observation has not been explicitly mentioned by the authority and the complainants are apprehensive that the respondent may use the same to their advantage at the time of execution.

With respect to aforesaid rectification at s.no.1 in the above table, the complainant is seeking rectification in the name of the complainant. As per the Proforma B and the memo of parties filed by the complainant, the correct name of the complainant is '**Shobha Thapar (Through Legal heirs), Rajlakshmi Talwar and Shubhlakshmi Singh**'. The aforesaid error was inadvertently made while preparing the detailed order dated 24.05.2023 and the aforesaid errors being typographical apparent from the record and clerical in nature, the rectification in detailed order dated 24.05.2023 as proposed by the complainant above is allowed under section 39 read with section 38(2) of the Act.

With respect to aforesaid rectification at s.no.2 in the above table, the authority observes that the paragraph of the judgement in which the complainant is seeking rectification is a part of the pleading of the respondent and not the observation/findings/directions of the authority. Moreover, in para 7 of the detailed order dated 24.05.2023, the authority has already

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MAN/41/2023/CR/2376/2022


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recorded that the respondent has not obtained occupation certificate in respect of the subject project. Thus, no rectification is required in this regard.

This order be read with and in continuation of detailed order dated 24.05.2023.

The rectification application is partially allowed. Application stands disposed off. File be consigned to the registry.


Ashok Sangwan
Member
02.01.2024