



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 723 OF 2024

Anil kumar jain & Anr

....COMPLAINANT(S)

VERSUS

M/S Hamilton Heights Pvt. Ltd.

.....RESPONDENT

CORAM: Dr. Geeta Rathee Singh
Nadim Akhtar

Member
Member

Date of Hearing: 07.12.2023

Hearing: 1st (Reopen)

Present: - None for the complainant.
None for the respondent.

ORDER (NADIM AKHTAR - MEMBER)

1. An application dated 25.07.2023 has been filed by respondent praying for the rectification of orders dated 18.05.2023 passed in the present complaint whereby the captioned complaint was disposed of and refund

was allowed to the complainant. Respondent in the present application has raised the ground that when the matter was listed on 18.05.2023, the complainant filed the receipts of payment which was acknowledged by the Authority. However, the same was not serviced to the respondent, therefore the veracity of the receipts filed by the complainant were not verified by the respondent, which was brought to the knowledge of the Ld. Authority vide application dated 24.05.2023. Thus, respondent has prayed that matter be adjudicated after considering an application dated 24.05.2023 filed by respondent.

2. Authority under section 39 of the RERA Act, 2016 only has 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. Further, after considering genuineness of receipts annexed by the complainant, Authority has passed an order and is of the view that there is no necessity of verification of receipts by respondent which are issued by the respondent itself.

3. Relief sought by the applicant-respondent 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.



4. 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. A bare perusal of the application leaves no doubt that the respondent is not praying for correction of the clerical mistake but is seeking the relief of amending substantive part of its order passed under the provisions of the Act.

6. For the above stated reasons, the present rectification application is hereby **dismissed**.

7. 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]


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NADIM AKHTAR
[MEMBER]