



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

(Reopened for deciding rectification application u/s 39 of RERA Act, 2016)

1. COMPLAINT NO. 1138 OF 2023

Sandeep Kumar

....COMPLAINANT

VERSUS

M/s Samar Estate Pvt. Ltd.

....RESPONDENT

2. COMPLAINT NO. 1161 OF 2023

Pawan Kajla

....COMPLAINANT

VERSUS

M/s Samar Estate Pvt. Ltd.

....RESPONDENT

3. COMPLAINT NO. 830 OF 2023

Ram Dass Gupta

....COMPLAINANT

VERSUS

M/S Samar Estate Pvt. Ltd.

....RESPONDENT

CORAM: Nadim Akhtar

Member

Chander Shekhar

Member

Date of Hearing: 04.03.2024

Hearing: 1st (Reopen)

Present: - Mr. Vishal Madaan, Advocate, counsel for complainants.

None for the respondent.

ORDER (NADIM AKHTAR - MEMBER)

1. Learned counsel for the complainants filed an application on 29.01.2024 praying for the rectification of the disposal order dated 07.11.2024 passed in captioned complaints, under section 39 of Real Estate (Regulation and Development) Act, 2016. Vide orders dated 07.11.2024 respondent was directed to refund the entire amount of ₹28,27,927/- in complaint no. 1138 of 2023; ₹40,71,209/- in complaint no. 1161 of 2023 and ₹53,58,388/- in complaint no. 830 of 2023 to the complainants.
2. Complainants in the present application has raised the following grounds:
 - a. Complaint no(s) 1138, 1161 and 830 of 2023 were reserved for order on 07.11.2023 and the order was uploaded in the month of January 2024 on the website. All the complaints were allowed with interest @ 10.75% p.a. from the date of deposit of the amount till its realization and accordingly, the calculations of interest was made upto 07.11.2023 in the final order passed by the Authority.
 - b. From perusal of final order dated 07.11.2023, it is apparent that there is a mistake in calculation of interest in all the orders uploaded.



- c. Complainants have therefore prayed to the Authority to correct the interest calculations in the orders dated 07.11.2023 in complaint no. 1138 of 2023; 1161 of 2023 and 830 of 2023.
3. Today, Mr. Vishal Madaan Advocate appeared on behalf of complainants and reiterated the facts stated in application dated 29.01.2024 and requested the Authority to correct the mistake in calculation of interest in orders of complaint no. 1138 of 2023, 1161 of 2023 and 830 of 2023.
 4. Neither anyone appeared on behalf of respondent nor filed any reply.
 5. On perusal of files, it is observed by the Authority that there has been an inadvertent error in the calculation of interest and total amount to be paid by respondent in all three captioned complaints. Therefore, Authority has again calculated the total amount to be paid by respondent to complainants in all the complaints.
 6. Firstly, in complaint no. 1138 of 2023 titled as '*Sandeep Kumar versus Samar Estate Pvt. Ltd*', it is observed by the Authority that the total amount which has to be refunded to complainant is correct but the table shown in the order dated 07.11.2023 showed interest of ₹3,94,427/- in place of ₹16,11,177/- and total amount payable to complainant as ₹16,11,177/- in place of ₹28,27,927/-. Therefore, the rectified table showing total amount payable by respondent to complainant in complaint no. 1138 of 2023 is as below-



Sr. No.	Principal Amount	Date of payment	Interest Accrued till 07.11.2023	Total amount to be paid
1.	12,16,750/-	18.07.2011	16,11,177/-	₹28,27,927/-
Total	12,16,750/-		16,11,177/-	₹28,27,927/-

7. Secondly, in complaint no. 1161 of 2023 titled as '*Pawan Kajla versus Samar Estate Pvt. Ltd.*'; it is observed by the Authority that the amount calculated towards interest and total amount of refund is not calculated correctly. Rectified table in complaint no. 1161 of 2023 is as below:-

Sr. No.	Principal Amount	Date of payment	Interest Accrued till 07.11.2023	TOTAL
1.	₹7,26,400/-	16.09.2008	₹11,83,301/-	₹19,09,701/-
2.	₹3,63,200/-	14.07.2009	₹5,59,452/-	₹9,22,652/-
3.	₹70,000/-	07.07.2010	₹1,00,443/-	₹1,70,443/-
4.	₹30,000/-	07.07.2010	₹43,047/-	₹73,047/-
5.	₹3,63,200/-	09.07.2010	₹5,20,943/-	₹8,84,143/-
6.	₹14,26,800/-	16.03.2013	₹16,64,023/-	₹30,90,823/-
Total	₹30,05,600/-		₹40,71,209/-	₹70,76,809/-

8. Thirdly, in complaint no. 830 of 2023 titled as '*Ram Dass Gupta versus Samar Estate Pvt. Ltd.*' it is observed by the Authority that the amount



calculated towards interest and total amount of refund is not calculated correctly. Rectified table in complaint no. 830 of 2023 is as below:-

Sr. No.	Principal Amount	Date of payment	Interest Accrued till 07.11.2023	TOTAL
1.	₹2,00,000/-	30.05.2006	₹3,75,278/-	₹5,75,278/-
2.	₹3,40,000/-	31.05.2006	₹6,37,873/-	₹9,77,873/-
3.	₹3,10,000/-	19.03.2007	₹5,54,930/-	₹8,64,930/-
4.	₹2,39,600/-	04.06.2007	₹4,23,473/-	₹6,63,073/-
5.	₹3,63,200/-	09.05.2008	₹6,05,556/-	₹9,68,756/-
6.	₹2,70,000/-	19.08.2008	₹4,42,055/-	₹7,12,055/-
7.	₹2,70,000/-	27.09.2008	₹4,38,953/-	₹7,08,953/-
8.	₹93,200/-	27.09.2008	₹1,51,520/-	₹2,44,720/-
9.	₹5,40,000/-	18.05.2009	₹8,40,850/-	₹13,80,850/-
10.	₹2,70,000/-	28.07.2009	₹4,14,779/-	₹6,84,779/-
11.	₹59,000/-	13.04.2013	₹67,091/-	₹1,26,091/-
12.	₹3,72,800/-	23.09.2013	₹4,06,030/-	₹7,78,830/-
Total	₹33,27,800/-		₹53,58,388/-	₹86,86,188/-

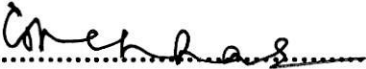
Note:- In the above said table an amount of ₹3,27,800/- (shown at serial no. 12) is accepted by respondent through demand letters annexed by complainant in his complaint book.

9. Therefore, Authority has got calculated the total amount to be refunded along with interest calculated at the rate of 10.75% from the date of payment till the date of this order in complaint no. 1138 of 2023 which

comes to ₹28,27,927/- (₹12,16,750/- (principal amount) + ₹16,11,177/- (interest accrued till 07.11.2023); in complaint no. 1161 of 2023 which comes to ₹70,76,809/- (₹30,05,600/- (principal amount) + ₹40,71,209/- (interest accrued till 07.11.2023) and in complaint no. 830 of 2023 which comes to ₹86,86,188/- (₹33,27,800/- (principal amount) + ₹53,58,388/- (interest accrued till 07.11.2023).

10. Therefore, there is a clerical errors pointed out by complainant's counsel are apparent on record and said errors can be rectified by virtue of Section 39 of RERD Act, 2016. So, application for rectification stands allowed. Authority deems appropriate to modify Para no. 16 of order dated 07.11.2023 in complaint no. 1138 of 2023 to Para no. 6 of the said rectified order; Para no. 19 of order dated 07.11.2023 in complaint no. 1161 of 2023 to Para no. 7 of the rectified order and Para no. 23 of order dated 07.11.2023 in complaint no. 830 of 2023 to Para no. 8 of the rectified order. Further, Authority directs that the said rectified order to be read as part of final order in captioned complaints.

The complaints are, accordingly, **disposed of** in above terms. File be consigned to the record room after uploading order on the website of the Authority.


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CHANDER SHEKHAR
[MEMBER]


.....
NADIM AKHTAR
[MEMBER]