



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		16
Day and Date	Wednesday and 20.03.2024	
Complaint No.	MA NO. 106/2024 in CR/5933/2022 Case titled as MK Malik VS Regional Construction Private Limited	
Complainant	MK Malik	
Represented through	Shri Harsh Jain Advocate	
Respondent	Regional Construction Private Limited	
Respondent Represented	Shri Himanshu Singh Advocate	
Last date of hearing	Rect. application	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings-cum-order		
<p>The above-mentioned matter was a part of bunch matters which was heard and disposed of vide order dated 13.12.2023 wherein, the Authority has directed the respondent to refund the amount received by it from the complainant(s) on account of IDC, if any, as the same was waived off by the DTCP, Haryana vide memo no. PF-27A/2700 dated 08.02.2016. Further, the respondent was directed to charge actual charges paid to the concerned departments from the complainant(s) on pro-rata basis on account of electric connection charges, sewerage connection and water connection charges, etc. depending upon the area of the plot in question viz-à-viz the area of the project.</p> <p>The respondent has filed an application for rectification of order dated 13.12.2023 stating that the policy w.r.t. the IDC has been further amended vide memo no. PF-27A/3429 dated 24.01.2018, wherein it has been clarified that:</p>		
<p>i. <i>All fees & charges viz licence fee, scrutiny fee, conversion charges, EDC & IDC shall be recovered at the rate of 75% of the respective rates applicable for residential plotted colony in respective Development Plans.</i></p>		
<p>ii. <i>All other policy parameters as presently applicable under the existing policy dated 08.02.2016 shall continue and remain applicable.</i></p>		

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण



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MANO-106/2024/CR/3933/2022

The respondent has further submitted that the company has already invested the huge amount of cost while providing the electricity to the project and the same has been proportionally charged from the allottees and thus requests for allowing it to recover proportional electrification charges from the customers.

The authority observes that section 39 deals with the *rectification of orders* which empowers the authority to make rectification within a period of 2 years from the date of order made under this Act. Under the above provision, the authority may rectify any mistake apparent from the record and make such amendment, if the mistake is brought to its notice by the parties. However, **rectification cannot be** allowed in two cases, *firstly*, orders against which appeal has been preferred, *secondly*, to amend substantive part of the order. The relevant portion of said section is reproduced below.

Section 39: Rectification of orders

"The Authority may, at any time within a period of two years from the date of the order made under this Act, with a view to rectifying any mistake apparent from the record, amend any order passed by it, and shall make such amendment, if the mistake is brought to its notice by the parties:

Provided that no such amendment shall be made in respect of any order against which an appeal has been preferred under this Act:

Provided further that the Authority shall not, while rectifying any mistake apparent from record, amend substantive part of its order passed under the provisions of this Act."

The Authority observes that direction w.r.t. recovery of electricity connection charges has already been granted to the respondent in para 30 of the order. Moreover, as far as rectification with respect to IDC is concerned, the same is allowed being factual error.

This order shall be read as part and parcel of the final order dated 13.12.2023. Rectification application stands disposed of. File be consigned to registry.

Ashok Sangwan
Member
20.03.2024