



# 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. 81 OF 2023

Pooja Singh W/o Sh. Amit Sinha  
R/o House No. C-401, IVY Apartments, Sushant Lok-I  
Block A , Gurugram-122002

....COMPLAINANT

VERSUS

Vatika Limited.  
Unit no. A-002, INXT City Centre,  
Ground floor, Block-A, Sector-83,  
Vatika India Next, Gurugram-122012

....RESPONDENT

<b>CORAM:</b>	<b>Parneet Singh Sachdev</b>	<b>Chairman</b>
	<b>Nadim Akhtar</b>	<b>Member</b>
	<b>Dr. Geeta Rathee Singh</b>	<b>Member</b>
	<b>Chander Shekhar</b>	<b>Member</b>

**Date of Hearing:** 02.05.2024

**Hearing:** 1<sup>st</sup> (Reopen)

**Present: -** Mr. Amitabh Narayan, Counsel for complainant through VC  
Ms. Vertika H.Singh, Counsel for respondent through VC

**ORDER (NADIM AKHTAR - MEMBER)**

1. Captioned complaint was disposed of vide order dated 06.12.2023 granting refund of paid amount with interest. Relevant table and para specifying details of interest and paid amount is reproduced below for reference:-

*Complaint no. 81/2023*

<i>Sr. No.</i>	<i>Principal Amount in ₹</i>	<i>Date of payment</i>	<i>Interest Accrued till 06.12.2023</i>
1.	1,00,000	07.08.2014	100402
2.	50,000	12.08.2014	14564
3.	38,71,588	23.08.2014	1115176
4.	Total=40,21,588/-		Total= 12,30,142/-
5.	Total Payable to complainant	4021588+ 1230142=	52,51,730/-

19 (i) Respondent is directed to refund the entire amount of ₹ 49,18,600/- to the complainants in equal share after deducting paid amount of assured return of Rs 3,77,208.33/- in complaint no. 2933/2022 and Rs 52,51,730/- to the complainant after deducting paid amount of assured return of Rs 19,55,062.03/- in complaint no. 81/2023.

2. Learned counsel for the complainant filed an application in registry on 19.03.2024 praying for the rectification of the disposal order dated 06.12.2023 passed in captioned complaint, under section 39 of Real Estate (Regulation and Development) Act, 2016 stating that the correct amount of interest is Rs 40,26,148/- instead of Rs 12,30,142/- mentioned in table of calculations of disposal order.



3. Today, Mr. Amitabh Narayan appeared on behalf of complainant and reiterated the facts stated in application dated 19.03.2024 and requested the Authority to correct the mistake in calculation of interest in order dated 06.12.2023 passed in captioned complaint. Ld. Counsel for respondent did not object to his request.
4. On perusal of record, it is observed by the Authority that there has been an inadvertent error in the calculation of interest. Therefore, Authority has again calculated the amount of interest to be paid by respondent to complainant. Accordingly, the rectified table showing total amount of interest is as follows:-

Sr. No.	Principal Amount in ₹	Date of payment	Interest Accrued till 06.12.2023
1.	1,00,000	07.08.2014	100402
2.	50,000	12.08.2014	50127
3.	38,71,588	23.08.2014	3868910
4.	Total=40,21,588/-		Total= 40,19,439/-
5.	Total Payable to complainant	4021588+ 4019439=	80,41,027/-

5. It is to mention here that there was clerical error in calculations of interest being pointed out by complainant's counsel. Said errors are apparent on record and can be rectified by virtue of Section 39 of RERA Act, 2016. So, application for rectification stands allowed. Authority deems appropriate to modify Para no. 19 (i) of order dated 06.12.2023 passed in captioned complaint to as follows:-



“19 (i) Respondent is directed to refund the entire amount of ₹ 49,18,600/- to the complainants in equal share after deducting paid amount of assured return of Rs 3,77,208.33/- in complaint no. 2933/2022 and Rs 80,41,027/- to the complainant after deducting paid amount of assured return of Rs 19,55,062.03/- in complaint no. 81/2023.”

6. Further, Authority directs that the said rectified order to be read as part of final order dated 06.12.2023 passed by the Authority in captioned complaint.
7. Application and the complaint are accordingly, **disposed of** in above terms. File be consigned to the record room after uploading of 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]

  
.....  
PARNEET SINGH SACHDEV  
[CHAIRMAN]