

PROCEEDINGS OF THE DAY		57
Day and Date	Tuesday and 04.07.2023	
Complaint No.	CR/1305/2018 Case titled as SHRI ANTONY RAJKUMAR Vs GODREJ PROJECTS DEVELOPMENT PVT LTD	
Complainant	SHRI ANTONY RAJKUMAR	
Represented through	None	
Respondent	GODREJ PROJECTS DEVELOPMENT PVT LTD	
Respondent Represented	Shri Saurabh Gauba Advocate	
Last date of hearing	Clarification of order	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been filed on 05.12.2018 and the same was disposed of on 05.09.2022 with the following directions -:

- (i) *The respondent-promoter is directed to refund the balance amount after deducting 10% of the sale consideration of the unit being earnest money as per regulation Haryana Real Estate Regulatory Authority Gurugram (Forfeiture of earnest money by the builder) Regulations, 2018 with interest @ 10 % p.a. on the refundable amount from the date acceptance of cancellation form i.e., 23.05.2018 till the actual date of refund of the amount.*
- (ii) *Out of total amount so assessed, the amount paid by the bank/payee be refunded in the account of bank and the balance amount along with interest will be refunded to the complainant.*
- (iii) *A period of 90 days is given to the respondents to comply*



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
CN/309/2018

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

with the directions given in this order and failing which legal consequences would follow.

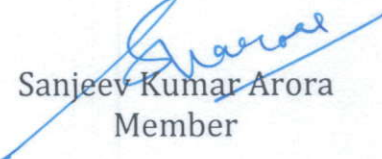
An application for seeking clarification of the order has been made on 15.03.2023, wherein he prays to the authority to provide necessary clarification on the order dated 05.09.2022 to the extent that no amount is due and payable by the respondent to the complainant.

None is present on behalf of the complainant seeking clarification through above application.

The counsel for the respondent states at bar that the complainant has already filed an appeal against the above order of the authority before the Appellate Tribunal bearing appeal No.42 of 2023 and is listed for hearing on 26.07.2023. In view of above appeal pending before the Hon'ble Tribunal, no amendment/rectification in the order can be made in view of the proviso to Section 39 of the Act which provides as under:

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

Matter stands disposed off. File be consigned to the registry.


Sanjeev Kumar Arora
Member


Vijay Kumar Goyal
Member
04.07.2023