



PROCEEDINGS OF THE DAY		17
Day and Date	Tuesday and 11.02.2025	
Complaint No.	MA NO. 414/2024 in CR/1458/2022 Case titled as Chaturbhuj Singla and Tripti Aggarwal VS Vatika Limited	
Complainant	Chaturbhuj Singla and Tripti Aggarwal	
Represented through	Shri Nipun Rao Advocate	
Respondent	Vatika Limited	
Respondent Represented	S/Shri Venket Rao and Pankaj Chandola Advocates	
Last date of hearing	Appl. u/s 39 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings-cum-order

1. The applicant/complainant vide rectification application dated 08.07.2024 filed under Sec 39 of the Act, 2016 has requested for rectification of combined order dated 08.08.2023 in the above captioned complaint. The complainant states as under:
 - a. In the said combined order the Authority inadvertently failed to set any case as the lead case in the order also, the said order neither specifies that the said decision shall mutatis mutandis apply to both the complaints.
 - b. Further the complainant states that the following information in the detailed order dated 08.08.2023 at point no. 2 of the table annexed with para 3 at page 2 of the said order is inadvertently wrongly mentioned:
 - i. Villa no. 18/240/simplex/BR admeasuring 240 sq. ft. instead of 11/240/simplex/St. 82, D1-4 on plot admeasuring 1527 sq. ft. in signature villa.



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New PWD Rest House, Civil Lines, Gurugram, Haryana

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

- ii. Allotment letter dated 07.01.2020 instead of 07.01.2010.
 - iii. Subsequent allottee vide letter dated 22.05.2012 instead of 23.07.2012.
 - c. In para no. 28 & 33(i) of the order, the respondent is directed to provide possession of the alternative plot/unit as agreed between the parties, at the same rate at with the unit was earlier purchased within two months from the date of this order. Whereas the authority vide proceedings dated 02.05.2023 has very categorically mentioned that “... In case the unit cannot be delivered, another unit similarly situated and at the same price at which the original unit was allotted may be given by the respondent....” Also vide proceedings dated 08.08.2023 the respondent was directed to allot an alternate unit of same size, similar location & at the same price at which the original unit was allotted.
 - d. Also, the directions detailed in para 33 (v) of the order provides that the complainant is directed to pay the outstanding dues, if any, after adjustment to interest for the delayed period and to take the possession of the subject unit within 2 months from the date of this order. Whereas, the payment can only be made by the complainant once an alternate unit is offered to the complainant.
2. On last date of hearing dated 14.01.2025 the respondent requested to file the reply to the said application. The reply was filed in the registry on 14.01.2025 itself. The respondent in his reply have stated that the said complaint was disposed of after hearing both the parties in detail and the said amendment will tantamount to review of the said order and therefore, is liable to be dismissed.
- 3. Findings of the Authority:**
- i. In view of the facts stated above and documents placed on record, the Authority observes that the detailed order dated 08.08.2023 is a combined order and the said order shall apply mutatis mutandis to the cases mentioned in para 3 of the order. The same is rectified accordingly.
 - ii. The Authority further observes that the details as mentioned at para 1(b) herein above wrongly mentioned at point 2 of table annexed with para 3 of the order dated 08.08.2023 are clerical in nature and facts



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MA/10/414/2024/MCR/1458/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

placed on record. Therefore, the said rectifications being clerical in nature are allowed at point 2 of table annexed with para 3 of the order.

- iii. Furthermore, the complainant seeks rectification in para no. 28 & 33(i) of the order that the authority vide proceedings dated 08.08.2023 very categorically directed the respondent to allot an alternate unit of same size, similar location & at the same price at which the original unit was allotted but the same is not mentioned in the detailed order. The Authority upon perusal of the same, hereby rectifies para 28 & 33(i) being a matter of record and inadvertently omitted from the detailed order.
- iv. Lastly, as far as the rectification sought by the complainant at para 1(d) of this order is concerned, the same shall be logically read as "the complainant is directed to pay the outstanding dues, if any, after adjustment to interest for the delayed period and to take the possession of the subject **alternate** unit within 2 months from the date of offer of possession of the said alternate unit."
4. In view of the above the said rectification is allowed as reasoned hereinabove. This order shall be read as a part and parcel of the detailed order dated 08.08.2023.
5. The matter stands disposed of. The file be consigned to registry.

Ashok Sangwan
Member

Arun Kumar
Chairman
11.02.2025

V.I
Vijay Kumar Goyal
Member