



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

**1. RECTIFICATION No. 1896 of 2024
IN
COMPLAINT NO. 2425 of 2023**

Punam Bindal

COMPLAINANT(ALLOTTEE)

Versus

TDI Infrastructure Ltd.

RESPONDENT(APPLICANT)

**2. RECTIFICATION No. 1897 of 2024
IN
COMPLAINT NO. 2370 of 2023**

Adjitya Kiran Garg

COMPLAINANT(ALLOTTEE)

Versus

TDI Infrastructure Ltd.

RESPONDENT(APPLICANT)

**3. RECTIFICATION No. 1899 of 2024
IN
COMPLAINT NO. 2058 of 2023**

Pitamber Lal Naharia

COMPLAINANT(ALLOTTEE)

Versus

TDI Infrastructure Ltd.

RESPONDENT(APPLICANT)

**4. RECTIFICATION No. 1901 of 2024
IN
COMPLAINT NO. 1280 of 2023**

Arun Kumar Arya COMPLAINANT(ALLOTTEE)

Versus

TDI Infrastructure Ltd. RESPONDENT(APPLICANT)

**5. RECTIFICATION No. 1902 of 2024
IN
COMPLAINT NO. 2319 of 2023**

Farmania Buildcon Pvt Ltd COMPLAINANT(ALLOTTEE)

Versus

TDI Infrastructure Ltd. RESPONDENT(APPLICANT)

**6. RECTIFICATION No. 1913 of 2024
IN
COMPLAINT NO. 2059 of 2023**

Pitamber Lal Naharia COMPLAINANT(ALLOTTEE)

Versus

TDI Infrastructure Ltd. RESPONDENT(APPLICANT)

**CORAM: Nadim Akhtar
Chander Shekhar**

**Member
Member**

Date of Hearing: 03.02.2025



Hearing: 1st in all cases.

Present:- Mr. Chaitanya Singhal, Counsel for complainants through VC in all cases except in 1901/2024.

None for complainant in 1901/2024.

Mr. Shubhnit Hans, Counsel for applicant-respondent through VC in all cases.

ORDER (NADIM AKHTAR-MEMBER)

1. Present rectification complaints have been filed by the applicant/respondent under section 39 of RERA Act,2016 seeking rectification/review of the final order dated 02.09.2024 passed by the Authority in aforementioned complaints respectively on accounts of error /mistake.
2. Following errors are pointed out by respondent-
 - i. *That this Ld. Authority decided the complaint on 02.09.2024 and directed the respondent to pay interest on account of delay in handing over the possession alongwith monthly interest on fully paid mount till actual handing over of the possession after obtaining occupation certificate amongst other reliefs granted.*
 - ii. *That the Respondent Company has very specifically stated in their reply that due to force majeure circumstances it is impossible for Respondent Company to hand over the possession of the said unit to the Complainant.*
 - iii. *That further no alternate plot /un-allotted plot with clear title is available in inventory of the Respondent Company. Thus, the only remedy available with Respondent Company is the refund of the amount and same is communicated to Complainant.*
 - iv. *That despite the ongoing dispute with the landowners, as mentioned in the reply, the Respondent Company made multiple attempts to resolve the*



matter by holding meetings with the landowners, seeking their cooperation to complete the development of the said land. However, these efforts proved unsuccessful. Consequently, the Respondent Company was left with no option but to issue legal notices., which were sent to the Landowners stating-

"5. We also request you to allow us to complete development of the said Land, as per our right and entitlement in terms of the said Collaboration Agreement executed between us so as to give a complete developed shape to the township-TDI City, Kundli.

Please treat this as final intimation in discharge of our obligation as undertaken by us, in terms of the said Collaboration Agreement dated 12.07.2005 executed between us and expect that you will also discharge your obligations, accordingly."

Copy of legal notices to Landowners requesting to allow the completion of project is annexed and marked hereto as ANNEXURE A-2.

- v. That despite the specific submissions in reply and even during arguments, the said inadvertent errors/mistakes have been found in the aforesaid Judgement dated 02.09.2024(uploaded on 10.10.2024) passed by the Ld. Authority, which are apparent from the record available, it has become imperative to file the present Application and seek rectification/review of the said Judgement in view of the submissions made herein and above.
3. Ld. Counsel for complainants (allottees) appeared and stated that this rectification application is not maintainable as there is no mistake in order dated 02.09.2024 and the grounds specified by respondent in its complaint for seeking rectification are not covered under purview of Section 39 of RERA Act,2016. Objection in writing to this effect has already been filed in registry on 21.01.2025.
4. On perusal of rectification complaints, revealed that applicant/promoter, i.e., TDI Infrastructure Ltd. is not seeking any rectification of typographical



error, but is seeking review of the order/ reconsider orders dated 02.09.2024 stating that submissions of applicant pertaining to non-availability of plots due to dispute pending with farmers have been overlooked/not considered at the time of passing of order. Thus, legal notices issued to land owners which are now placed on record alongwith rectification application be considered and fresh direction of refund of paid amount be issued to respondent.

5. Authority observes that as per Section 39 of RERA ACT, 2016 Authority is mandated to rectify mistakes apparent from record. Section 39 is reproduced below for reference:-

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.....(emphasis applied)

6. Authority observes that the present rectification complaints are in the nature of review applications wherein applicant promoter "TDI Infrastructures Ltd." is praying before the Authority to reconsider its order dated 02.09.2024 passed on merits. As such, substantive part of order



cannot be modified. Thus, in view of the provision u/section 39 of RERA ACT, 2016 the captioned complaints are **disposed of as declined/rejected**. Files be consigned to record room after uploading order on the website of Authority.


CHANDER SHEKHAR
[MEMBER]


NADIM AKHTAR
[MEMBER]

