



## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: [www.haryanarera.gov.in](http://www.haryanarera.gov.in)

(Re-opened for deciding rectification application u/s 39 of RERA Act, 2016)

### COMPLAINT NO. 805 OF 2021

Shalu Bansal and Himanshu Bansal ...COMPLAINANT

VERSUS

Piyush Buildwell India Ltd. ...RESPONDENT

### COMPLAINT NO. 1978 of 2023

Shalu Bansal and Himanshu Bansal ...COMPLAINANT

VERSUS

Piyush Buildwell India Ltd. ...RESPONDENT

### COMPLAINT NO. 1979 of 2023

Shalu Bansal and Himanshu Bansal ...COMPLAINANT

VERSUS

Piyush Buildwell India Ltd. ...RESPONDENT

*Patwee*

**CORAM:** **Dr. Geeta Rathee Singh** **Member**  
**Chander Shekhar** **Member**

**Date of Hearing:** 07.01.2025

**Hearing:** 3<sup>rd</sup> (reopen for rectification)

**Present:** Adv. Aishwarya Dobhal, Ld. Counsel for Complainant,  
through VC.  
Adv. Gaurav Singla, Ld. Counsel for Respondent.

**ORDER:**

1. On last hearing dated 17.12.2024, Adv. Ashish Chaudhary appeared as proxy of Adv. Gaurav Singla, Ld. counsel for respondent and requested for some time to argue the matter. Allowing his request, Authority had granted an opportunity to respondent to argue the matter on the next date of hearing i.e 07.01.2025.
2. Today, Adv. Gaurav Singla appeared on behalf of respondent.
3. Ld. counsel for complainant argued her application and pleaded that vide final order passed in captioned complaints dated 03.10.2023, Authority had directed complainants to pay the balance amount of sale consideration of Rs.2,33,492.80/- for shop no.2, Rs.2,33,492.80/- for shop no.3 and Rs.2,39,339.92/- for shop no.15 along-with interest. Further it was directed that the same shall be paid as per statement of account dated 15.10.2019 in respect of these shops annexed at page no.78, 83 and 77 of the lead complaint bearing no. 805 of 2021 respectively. Today, Ld. counsel for complainant submitted that there is

*Geeta Rathee*

a factual mistake in respect of such amount payable by complainants in respect of all the three shops in all captioned complaints. Ld. counsel for complainant submits that as per clause 3 of BBA, Rs.91,146/- is liable to be paid at the time of offer of possession and amount mentioned in the statement of account is wrong and highly inflated. Further, it is submitted by ld. counsel for complainant that 100% of the amount had been paid instantly and there is no amount is pending and prayed that order may be rectified to the extent that complainant is not made liable to pay the amount as directed vide the final order dated 03.10.2023.

4. Learned counsel for respondent submitted that there is no mistake in the final order dated 03.10.2023 and therefore the present rectification application be dismissed.
5. On perusal of statement of accounts dated 15.10.2019 annexed with the lead complaint bearing no. 805 of 2021 as annexure A-I for shop no.2, 3 and 15 in above captioned complaints respectively, it is observed that there are 2 types of statement of accounts bearing the same date (i.e 15.10.2019) out of which, the one at page 82 of complaint provides a charge wise detail and whereas one at page 78 of complaint provide a cumulative view of the said statement. Statement of account that depicts the charge-wise detail provides the actual basic sale price that was due on the date of issue of statement of account i.e. on 15.10.2019. Inadvertently statement of account bearing same date i.e 15.10.2019

  
Rathee



annexed at page no.78 was considered for the purpose of calculating the due amount however actual balance amount that is due at the time of possession as per clause III of BBA is Rs.91,146/- which is also provided/ reflected at page no. 82 and not at page no.78 of the complaint book.

6. Further Authority observes that as already decided on para no. 27 of the final order dated 03.10.2023, that the charges on account of EDC, ADC, IFMS, and power backup charges are unreasonable and arbitrary. Therefore amount that is due to be paid by complainant is Rs.91,146/- excluding the charges in lieu of EDC, IFMS, ADC, and power backup charges. Thus it is clarified that page no. 82 was overlooked and amount mentioned in the statement of same date at page no 78 were taken into account at the time of calculating the due amount in respect of shop no. 2. Accordingly, in respect of other shops i.e. shop no.3 and shop no.15, statement of account annexed at page no.83 and 77 was considered, however in actual it should be page no. 79 and 80 of the complaint book respectively.
7. The error pointed by complainant is apparent for the record. This Authority has no hesitation in stating that an innocent allottee cannot be made to suffer due to an oversight in mentioning page no. and amount. Thus, in exercise of powers provided under section 39 of the RERA Act, 2016, Authority amends the mistake that is apparent as above in




choosing the correct statement of account that provides the breakup of the sale consideration amount. Section 39 of the Act is reproduced as under:

*“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”.*

8. Authority directs that para no.27, 37, 38, 40 and 44 (ii) may be rectified to the extent of amount that is due from complainant. Thus, the following is directed to be rectified vide this order:
- a. Balance amount in respect of shop no.2 and 3 each, sale consideration of Rs. 91,146/- remains due along-with interest which can be verified from statement of account annexed at page no. 82 and 79 of the complaint book respectively.
  - b. Further for shop no. 15, balance sale consideration of Rs.1,05,147.82/- remains due along-with interest from complainant which can be verified from page no. 80 of the complaint book. The same are to be payable along-with interest

  
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9. The rectification applications are accordingly **disposed of** in above terms. File be consigned to the record room after uploading of this order on the website of Authority.

  
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**CHANDER SHEKHAR**  
[MEMBER]

  
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**DR. GEETA RATHEE SINGH**  
[MEMBER]

