

PROCEEDINGS OF THE DAY		76
Day and Date	Tuesday and 13.05.2025	
Complaint No.	MA NO. 170 & 383/2025 in CR/4634/2022 Case titled as Neena Rai VS ADVANCE INDIA PROJECTS LIMITED	
Complainant	Neena Rai	
Represented through	Shri Vinay, clerk of the Advocate	
Respondent	ADVANCE INDIA PROJECTS LIMITED	
Respondent Represented through	Shri Rahul Thareja, proxy counsel	
Last date of hearing	08.04.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings-cum-order

The aforesaid complaint was disposed of vide order dated 13.02.2024 of the authority wherein the respondent was directed to refund the paid-up amount after deduction of 10% of the sale consideration along with interest @ 10.85% p.a. on the refundable amount from the date of filing of complaint i.e., 04.07.2022 till its realization. It was further directed that the amount paid on account of assured return shall be adjusted from the amount to be paid to the complainant.

An application bearing Memo no. 170/2025 dated 27.02.2025 has been filed by the respondent for rectification of order dated 13.02.2025. Vide said application for rectification of order, the respondent-applicants has sought following rectification-

1. The assured return amount paid to the complainant be corrected and same be rectified as Rs. 6,75,852/- instead of Rs. 2,15,726/- which would be adjusted against the refundable amount to the complainant.
2. The respondent submitted that it has deposited a total of Rs. 9,00,618/-



HARERA
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HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा, भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

MANO 1102383/2025 in CR/4634/2022

The reply to the aforesaid application was filed by the complainant on 07.05.2025 stating that the respondent's attempt to challenge calculations of assured returns, re-interpret GST liabilities and revisit arguments already adjudicated amounts to de facto review which is impermissible under section 39 of the Act. The respondent has not pointed out any inadvertent typographical or numerical errors in the said order by virtue of the present application. Further, the respondent has recently filed their calculation sheet w.r.t Assured Return mentioning AR as Rs.7,07,739/- whereas the respondent in its original reply dated 21.10.2022 mentioned AR paid to the complainant as Rs.2,03,558/-. However, vide present application, the respondent has stated that Rs.6,17,671/- has been paid as AR in the present complaint. Thus, present application liable to be dismissed as it is not maintainable under section 39 of the Act.

In view of the facts stated above and documents placed on record, the Authority observes that as far as the plea of the respondent regarding the amount paid as an assured return to the complainants is concerned the detailed order dated 13.02.2024 was passed after duly considering the then documents placed on record and the respondent at any time during the proceedings should have updated about the new facts. But since the respondent failed to do so accordingly, the Authority shall not take the new document on record at such belated stage which too is contradicting and denied by the complainant in its reply to the rectification application. Accordingly, the Authority hereby dismiss the said application as the same is not covered under section 39 of the Act, ibid.

The matter stands disposed of. The file be consigned to registry.

Ashok Sangwan
Member

Vijay Kumar Goyal
Member

Arun Kumar
Chairman
13.05.2025