

PROCEEDINGS OF THE DAY		66
Day and Date	Wednesday and 21.05.2025	
Complaint No.	MA NO. 304/2025 in CR/1990/2024 Case titled as Shikha Kalia and Bodh Raj VS Eminence Township India Private Limited	
Complainant	Shikha Kalia and Bodh Raj	
Represented through	Complainant No.2 in person	
Respondent	Eminence Township India Private Limited	
Respondent Represented	None	
Last date of hearing	Application u/s 39 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings-cum-order

1. An application dated 11.04.2025, has been filed by the respondent for rectification of order dated 02.04.2025 under section 39 of the Act, 2016 passed by the authority wherein it is stated that the Authority directed the respondent to refund the paid up amount of Rs.1,02,01,348/- after deducting 10% of sale consideration being earnest money along with interest @ 11.10% p.a. as prescribed under rule 15 of the Haryana Real Estate (Regulation and Development) Rules, 2017 on the refundable amount, from 04.02.2025 till its actual realization. However, the amount paid is Rs.30,09,653/- and seeks amendment of the same.
2. Before proceeding with the matter, it would be appropriate to refer to the provisions of Section 39 of the Act, 2016 under which the present application has been preferred.

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:



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HARYANA REAL ESTATE REGULATORY AUTHORITY
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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 304/2025 In CR 1990/2024

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."

3. The Authority observes that as per Para 27 (i) of the order dated 02.04.2025, the respondent was directed to refund the paid up amount of Rs.1,02,01,348/- after deducting 10% of the sale consideration being earnest money along with interest on the balance amount at the rate of 11.10%. The relevant part is reiterated below:

"The respondent /promoter is directed to refund the paid-up amount of Rs.1,02,01,348/- after deducting 10% of the sale consideration being earnest money along with an interest @11.10% p.a. as prescribed under rule 15 of the Haryana Real Estate (regulation and Development) Rules, 2017 from the date 04.02.2025 till its actual realization"

[Emphasis supplied]

4. It is observed by the Authority that the amount paid by the complainants is Rs.30,09,653/- and the same has been inadvertently mentioned as Rs.1,02,01,348/- in the order dated 02.04.2025 instead of Rs.30,09,653/- and the same has been duly recorded in "Para no. 2" on page no. 8 and "Para no. 25" on page 21 of the order dated 02.04.2025. Therein it is clearly mentioned that the respondent is liable to refund the paid-up amount of Rs.30,09,653/- after deducting 10% of the sale consideration being earnest money along with an interest @11.10% p.a. from the date of surrender i.e., 09.05.2024 (i.e., date of filing of the complaint) till actual refund of amount within the timelines provided in rule 16 of the Haryana Rules, 2017. The amount paid as a matter of record for all purposes stands rectified as Rs.30,09,653/-. The same being an error apparent on the record stands rectified as mentioned above. The Authority observes that the interest is to be calculated from the date of surrender of the unit i.e., 09.05.2024 (date of filing of the complaint). Thus para 27(i) of the order dated 02.04.2025 stands rectified to the effect. The same is reproduced as below:

"Para 27 (i)

The respondent/promoter is directed to refund the paid up amount of Rs.30,09,653/- after deducting 10% of the sale consideration being earnest money along with interest on such balance amount at the rate of 11.10% p.a as prescribed under rule 15 of the



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Haryana Real Estate (Regulation and Development) Rules, 2017, from 09.05.2024 till its actual realization".

5. The above being an error apparent from record and thus, the rectification is allowed. This order shall be read as part and parcel of the main order dated 02.04.2025.
6. Application stands disposed of. File be consigned to registry.

Ashok Sangwan
Member
21.05.2025