

PROCEEDINGS OF THE DAY
2

Day and Date	Tuesday and 15.04.2025
Complaint No.	CR/5504/2022 Case titled as Rishi Jhamb and Suresh Bhatt VS Ansal Housing and Construction Limited & Samyak Projects Private Limited
Complainant	Rishi Jhamb and Suresh Bhatt
Represented through	Shri Harshit Batra Advocate
Respondent	Ansal Housing and Construction Limited & Samyak Projects Private Limited
Respondent Represented	Ms. Apoorvi proxy counsel
Last date of hearing	21.01.2025
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings-cum-order

The above-mentioned matters were heard and disposed of vide joint order dated 16.11.2023 wherein the Authority passed the following direction:

"The respondents/promoters are directed to refund the amount of ₹14,62,511/- paid by the complainants along with prescribed rate of interest @10.75% p.a. as prescribed under rule 15 of the rules from the date of each payment till the date of refund of the deposited amount.

The respondent no. 2 has filed an application for rectification of order dated 16.11.2023 under section 39 of the Act, 2016 regarding the clarification w.r.t directions made by the Authority against which respondent to refund the paid-up amount by the complainants.

The respondent no. 2 prayed to hold only respondent no. 1 accountable to refund the amount paid and to stay the execution proceedings against respondent no. 2.

The counsel for the complainant to file reply to the aforesaid application with an advance copy to the complainant.

The counsel for the respondent no.2 states that there is a clerical error in the main order passed by the Authority on 12.04.2023 directions were also given to the

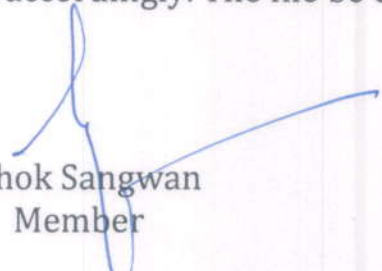
respondent No.2 i.e. Samyak Projects Pvt. Ltd as there was only a corroboration agreement between R1 and R2 and the name of respondent No.2 should be deleted.

The counsel for the complainant states that the complainant has made party to R1 and R2 and they are promoter as per definition of the "promoter" in the Act, 2016, hence the R2 is also responsible to comply with the orders passed by the Authority. However, the respondent Nos. 2 to 4 have already been proceeded against ex-parte and respondent No.2 cannot file application for rectification of orders, hence the application be dismissed.

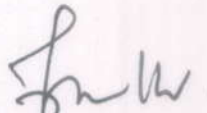
Findings of the authority:

It is observed that the applicant i.e., respondent no. 2 was proceeded ex-parte by the Authority in the present matter vide proceedings dated 16.11.2023. In view of the above, at the present stage the respondent no. 2 does not have a locus to file an application under section 39 of the Act, 2016. Moreover, the said section pertains to rectification of an error apparent from record and does not provide for any 'clarification' as such.

Ordered accordingly. The file be consigned to registry.



Ashok Sangwan
Member



Arun Kumar
Chairman
15.04.2025