

<b>PROCEEDINGS OF THE DAY</b>		<b>63</b>
Day and Date	Tuesday and 09.09.2025	
Complaint No.	MA NO. 16/2025 in CR/1836/2022 Case titled as Brisk Lumbni Apartments Welfare Association VS BRISK Infrastructure & Developers Private Limited	
Complainant	Brisk Lumbni Apartments Welfare Association	
Represented through	Shri K.K. Kohli Advocate	
Respondent	BRISK Infrastructure & Developers Private Limited	
Respondent Represented	Shri Dhruv Rohatgi Advocate	
Last date of hearing	Application u/s 39 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

### **Proceedings-cum-order**

The aforesaid complaint was disposed of vide order dated 19.12.2023 of the authority. An application dated 08.01.2025 was filed by the complainant for rectification of order dated 19.12.2023.

The Honourable Authority has in Section H Para 82 (i) & 82 (ii) issued the following directions on the issue of "refund of the IFMS/IBMS with interest from the date of collection till the date of refund of the IFMS/IBMS".

*i. The respondent/promoter is directed to transfer all the IFMS/IBMS amount received by it from the allottees in the account of RWA along with the amount of interest accrued on the IFMS/IBMS, if any.*

*ii. The respondent/promoter is further directed to give details along with justification of expenditure incurred out of the IFMS deposit to the association and any expenditure made in conflict with the permissible deductions as per law, the same shall also be transferred to the association.*

The complainant states that the same may kindly be clarified in the order and the Para (i) above of the order may kindly be amended as under:



**HARERA**  
**GURUGRAM**

**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 लाइन्स गुरुग्राम हरियाणा

MA No. 16/2025  
MCR/16/2025

*"The respondent / promoter is directed to transfer all the IBMS amount received by it from the allottees in the account of RWA along with the amount of interest accrued on the IBMS, if any."*

That similarly the words "out of the IFMS deposit", used in Para (ii) of the order quoted above, may kindly be amended to read as under:

*"The respondent / promoter is further directed to give details along with justification of expenditure incurred out of the IBMS deposit to the association and any expenditure made in conflict with the permissible deductions as per law, the same shall also be transferred to the association."*

The counsel for the respondent states that the change referred to in the rectification constitute a substantial change in the order, hence, may not be allowed.

The Authority observes that there is no provision for giving clarification as only rectification of any mistake apparent from the record can be made in terms of Section 39 of the Act, 2016 which 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."*

In view of the above, the application is declined. File be consigned to the registry.

Ashok Sangwan  
Member

V. I. 3  
Vijay Kumar Goyal  
Member  
09.09.2025