

PROCEEDINGS OF THE DAY		10
Day and Date	Tuesday and 27.02.2024	
Complaint No.	MA NO. 482/2023 and 72/2024 in CR/3615/2021 Case titled as SHASHI SAHA AND ANR VS MARTIAL BUILDCON PVT. LTD.	
Complainant	SHASHI SAHA AND ANR	
Represented through	Shri Ravi Shandilkar, proxy counsel	
Respondent	MARTIAL BUILDCON PVT. LTD.	
Respondent Represented through	Ms Shriya Takkar, Advocate	
Last date of hearing	Rectification application	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The aforesaid complaint was disposed of vide order dated 05.12.2023 of the authority wherein the complainant was held entitled for refund after deduction of 10% of the sale consideration along with prescribed rate of interest from the date of cancellation till its realization. An application dated 01.02.2024 was filed by the respondent for rectification of order dated 05.12.2023.

Vide said application for rectification of order dated 05.12.2023, the complainants-applicants has sought following rectification-

That this Hon'ble Authority, vide order dated 17.05.2023, was pleased to pass the following order/proceedings:

"Order pronounced.

The respondent is directed to refund the deposited amount to the complainant after deduction of 10% and pre-handover amount alongwith prescribed rate of interest i.e. 10.70% per annum from the date of each deposit till its realization.



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा मू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. सी. विभाग गृह, सिविल लाइन्स, गुरुग्राम, हरियाणा


MANO 482/2023 and 2024/14 CR/


Detailed order will follow. Matter stands disposed off. File be consigned to the registry.

That due to an error typographical or otherwise having cropped in the order dated 05.12.2023 passed by the Hon'ble Authority, the deduction of pre-handover amount has not been recorded which in fact was allowed by the Hon'ble Authority vide proceedings dated 17.05.2023."

The counsel for the respondent requests for rectification of the orders as the respondent has paid an amount of Rs. 7,11,336/- towards pre-handover in form of post-dated cheques vide letter dated 6.5.2019 (page 111) and this amount is also to be deducted from the amount to be refunded besides deduction of 10% earnest money. However, the counsel for the complainant states that the above alleged pre-handover amount through post-dated cheques have not been encashed or received by the complainant. The counsel for the respondent shall be filing the account statement confirming the transfer of alleged amount in the account of the complainant-allottee before further proceedings in the matter.

Matter to come up on 23.4.2024 for further proceedings.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member


Vijay Kumar Goyal
Member
27.02.2024