



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 लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY		12 - 18
Day and Date	Tuesday and 09.04.2024	
Complaint No.	MA NO. 24/2024 in CR/4916/2022 Case titled as Dr. Lt. Col. Binny Kohli VS Neo Developers Private Limited	
Complainant	Dr. Lt. Col. Binny Kohli	
Represented through	Ms. Sapna Malik Advocate	
Respondent	Neo Developers Private Limited	
Respondent Represented	Shri Venket Rao and Vikas Advocates	
Last date of hearing	Appl. u/s 39 of the Act-05.03.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was received on 09.08.2022 and reply on behalf of respondent was filed on 17.01.2023.

The complainants had purchased 7 units in the present project i.e. '**Neo Square**' situated in Gurgaon and had separately applied for the allotment of 2 other residential units in a different project i.e. '**Capital Residency**' at New Delhi. Due to their personal reasons, the complainants surrendered their allotment in both projects of the respondent i.e. Neo Square and Capital Residency and requested for refund of he paid up amount towards the sale consideration of the unit.

The respondent had refunded an amount of Rs. 24,20,832/- against the 2 units booked by the complainants in the project 'Capital Residency' and Rs. 5,79,168/- (after deduction of earnest money, assured return already paid to the complainants etc.) against the 7 units booked in the instant project i.e. 'Neo Square'.



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MANO-24/2024/h CR/1916/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

Thereafter, the present complainants had filed a consumer complaint bearing No. 732 of 2021 titled as "Mr. Rajesh Banbah & Anr. vs Neo Developers Pvt. Ltd." before the Ld. District Consumer Dispute Redressal Commission, Gurgaon (hereinafter referred to as the "DCDRC") wherein, the complainants had sought refund of the amounts paid against the allotment of two (2) shops in the project "Capital Residency". Accordingly, the Ld. DCDRC passed the Final Order dated 05.05.2023. As per the observations of the Hon'ble DCDRC recorded in the said Order, the amounts refunded by Neo Developers Pvt. Ltd to the complainants pertains to the Project "Neo 3 Square" only.

That the said order was brought to the knowledge of the Ld. Authority during the hearing dated 04.07.2023.

The respondent builder filed a rectification application dated 11.01.2024 under section 39 of the Act for the rectification of zimni order dated 04.07.2023 and modification of order dated 31.10.2023 stating that when the Order of the proceedings dated 04.07.2023 was uploaded on the portal of the Ld. Authority on 02.08.2023, the respondent was shocked to see that the order inadvertently recorded that the counsel for the respondent have stated that they wish to file an amended reply w.r.t the calculations of refundable amount in detail. Relevant extract of zimni Order dated 04.07.2023 is reproduced herein below:

The counsel for the respondent further states that they wish to file an amended reply w.r.t. the calculations of refundable amount in detail."

It is important to bring it to the knowledge of the Ld. Authority that the respondent could not have made the afore-referred statement. That post hearing dated 04.07.2023 the matter was listed for hearing on 31.10.2023. On the said date the Ld. Authority relying upon the previous order i.e., order dated 04.07.2023 wherein it has been inadvertently recorded that the respondent stated and wished to file an amended reply with respect to calculations of the refundable amount in detail, passed an order dated 31.10.2023 directing the respondent to file the amended reply with respect to the calculation of the refundable amount along with cost of 10,000/- to be paid to the complainants.



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MANO 24/2024 in CRP/16/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

In the said application respondent prays that :-

1. Rectify the zimni order dated 04.07.2023 by making necessary changes in the order by correcting the error inadvertently made.
2. Modify the order dated 31.10.2023 and waive off the cost of Rs. 10,000/- imposed on the complainant.

The complainant filed reply to the application under section 39 of the Act 2016 and states that the respondent had appeared before the Authority and did not submit their stand as mentioned.

Heard.

Application u/s 39 of the Act is allowed. Cost is waived off.

Matter to come up on **07.05.2024** for final arguments. No further date shall be given.

Ashok Sangwan
Member

V. I. - 3
Vijay Kumar Goyal
Member

Arun Kumar
Chairman
09.04.2024