



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

(RE-OPEN FOR RECTIFICATION)

1. COMPLAINT NO. 222 OF 2021

Abhijeet Kumar Mishra

....COMPLAINANT

VERSUS

1. Asian Developers Ltd

2. Saera Auto India Pvt. Ltd.

....RESPONDENTS

2. COMPLAINT NO. 64 OF 2021

Mahipal Singh Negi

....COMPLAINANT

VERSUS

1. Asian Developers Ltd

2. Saera Auto India Pvt. Ltd.

....RESPONDENTS

[Handwritten signature]

3. COMPLAINT NO. 65 OF 2021

Anupam Kumar Thakur

....COMPLAINANT

VERSUS

1. Asian Developers Ltd

2. Saera Auto India Pvt. Ltd.

....RESPONDENTS

4. COMPLAINT NO. 892 OF 2021

Ram Mehar Singh

....COMPLAINANT

VERSUS

1. Asian Developers Ltd

2. Saera Auto India Pvt. Ltd.

....RESPONDENTS

**CORAM: Dr. Geeta Rathee Singh
Nadim Akhtar**

**Member
Member**

Date of Hearing: 02.11.2023

Hearing: 2nd (in all captioned complaints)



Present: - Sh. Akshat Mittal, counsel for the complainant

Ms. Dikshika Hoon Advocate, counsel for the respondent no.1
through VC

Sh. Aditya Singh Advocate, Proxy counsel for the respondent no.2
through VC

ORDER (DR. GEETA RATHEE SINGH - MEMBER)

1. Sh. Akshat Mittal, Learned counsel for the complainants stated that applications dated 20.06.2023 were filed in the registry of the Authority in captioned complaints seeking slight modification in the disposal order dated 04.08.2022 passed by the Authority. He stated that in the said order complaints were disposed of in terms of settlement with respondent no.2 namely, ' M/s Saera Auto India Ltd' along with liberty to approach this Authority for reopening of complaints in case terms of settlement are not abide by respondent no.2. Now, complainants are also seeking liberty to pursue the matter against respondent no.1 namely, 'Asian Developers Ltd'. Accordingly, complainants are seeking slight modification in the order dated 04.08.2022 vide these applications.
2. On perusal of said applications, Authority observed that the complainants are seeking rectification of the order dated 04.08.2022 for the reason that liberty to peruse the case against respondent no.1 namely, 'Asian Developers Ltd' was not granted to them at the time of disposal of the said cases. Authority is of the considered view that at this stage the relief claimed by the complainants are not permissible for the simple reason


Dr. Rathee

that it is neither typographical error nor any clerical mistake. It is rather altogether a different argument which is not permissible to be allowed at this stage.

3. Further, Authority under section 39 of the RERA Act, 2016 is mandated to rectify clerical mistakes apparent on the face of record. The RERA Act, 2016 does not entrust the power of review on the Authority.
4. Further, it is clarified that complainants ground taken in captioned applications have no merits in it and it is in the nature of review application and not rectification of error apparent on the face of record. If the relief is allowed, the same shall result in amendment of the operative/substantive part which amount to review of the judgment of the Authority.
5. In fact the proviso 2 to section 39, categorically provides that the Authority "shall not" while rectifying any mistake apparent from record, amend substantive part of its order passed under the provisions of the Act.
7. For the above stated reasons, the captioned rectification applications are hereby dismissed. Files are **Disposed of as dismissed.**

Files be consigned to record room after uploading of this order on the website of the Authority.


.....
NADIM AKHTAR
[MEMBER]


.....
DR. GEETA RATHEE SINGH
[MEMBER]