



## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

### COMPLAINT NO. 294 OF 2021

Suman Gupta and Another

....COMPLAINANT(S)

VERSUS

TDI Infrastructure Limited.

....RESPONDENT(S)

**CORAM: Rajan Gupta  
Dilbag Singh Sihag**

**Chairman  
Member**

**Date of Hearing: 07.07.2022**

**Hearing: 1<sup>st</sup> ( after reopening)**

**Present: -** Mr. Roopak Bansal, Ld. counsel for the complainants through VC.  
Mr. Shubhnit Hans, Ld. Counsel for the respondent though VC.

### **ORDER ( DILBAG SINGH SIHAG-MEMBER)**

1. Learned counsel for the complainants stated that complainants have filed the present application for rectification of order dated 22.03.2022 passed by

the Authority in Complain No. 294 of 2021 titled Suman Gupta and another vs TDI Infrastructure Limited.

2. Learned counsel for the complainant while addressing his arguments has made two limited prayers **firstly** that vide order dated 22.03.2022 Authority had directed the respondent to refund amount paid by complainant along with interest in Complaint No. 273-2021 and 294-2021 but inadvertently, the word 'each' was omitted on account of a clerical mistake. So, the word 'each' be added and said order be modified to that extent.

3. **Secondly** that in Complaint No. 273-2021 and 294-2021, although respondent has admitted receipt of Rs. 11,00,000/- in statement of accounts in each case, the Authority vide order dated 22.03.2022 ordered refund of Rs. 9,00,000/- along with interest in each case, since the complainants had attached receipts amounting to Rs. 9,00,000/- in each case. Learned counsel for complainants argued that since payment of Rs. 11,00,000/- has been admitted by respondent in both cases, therefore, complainants should be allowed refund of Rs. 11,00,000/- along with interest in each case. Thus, the said order be modified to that extent.

4. After hearing both parties and perusal of record, it is observed that Authority vide order dated 22.03.2022 had directed the respondent to refund amount paid by complainant along with interest in both complaints. Inadvertently, word 'each' was omitted on account of a clerical mistake and same

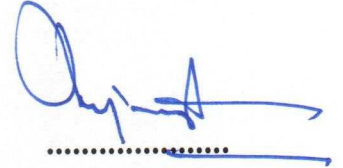
was recorded as “amount payable by the respondent to the complainants in Complaint No. 273-2021 and 294-2021 along with interest has been worked out to Rs. 18,09,031/- (Rs. 9,00,000/- + Rs. 9,09,031/-). Therefore, Authority directs the respondent to refund Rs. 18,09,031/.” Further, since the complainants had attached receipts amounting to Rs. 9,00,000/- in each case, therefore, Authority vide order dated 22.03.2022 had observed ordered refund of Rs. 9,00,000/- along with interest in both case.

Today, learned counsel for both parties have stated that receipts of remaining 2.0 lakhs are untraceable in both cases but respondent company has admitted payment of Rs.11,00,000/-. Therefore, taking into consideration, statement of accounts dated 13.07.2021 attached with replies in both cases as Annexure R-3, complainants are allowed refund of Rs. 11,00,000/- along with interest as per Rule 15 of the HRERA, Rules 2017 in each case w.e.f. date of making payments up to date of disposal order dated 22.03.2022.

4. Accordingly, as per calculations and verification made by Accounts Branch, amount payable by the respondent to the complainants in Complaint No. 273-2021 and 294-2021 along with interest has been worked out to Rs. 22,67,546/- (Rs. 11,00,000/- + Rs. 11,67,546/-) in each case. Therefore, **Authority directs the respondent to refund Rs. 22,67,546/- in each case.**



Thus, present application for rectification stands **allowed and disposed of and accordingly order dated 22.03.2022 stands modified to that extent.**



RAJAN GUPTA  
[CHAIRMAN]



DILBAG SINGH SIHAG  
[MEMBER]