

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Full Bench of Hon'ble Chairman, Mr. Vivek Kumar Singh & Hon'ble Members
Mrs. Nupur Banerjee & Mr. S.D. Jha, RERA Bihar.**

RERA/CC/472/2022

Mr. Ram Pravesh Gupta Complainant

Vs

M/s Swastika Mangal Developer Pvt LtdRespondent

Project: Krishna Enclave

Present: For the Complainant: Shri Vikash Kumar, Adv.

For the Respondent: Shri Amit Kumar, Adv.

RECTIFICATION OF ORDER DATED 31.01.2024

19.06.2024 Hearing taken up. Shri Vikash Kumar, Advocate appears for the complainant. The respondent no. 1 is not present but Shri Amit Kumar, Advocate appears for the respondent No.2.

The present petition dated 04.03.2024 for rectification of the order dated 31.01.2024 has been filed on 05.03.2024 by the complainant in RERA/CC/472/2022 on the ground that refund of Rs. 6,12,500/- has been allowed by the Hon'ble Full Bench, although the complainant has paid Rs. 11,50,000/- for which he couldn't produce any money receipts at that time. He further submitted that now he has been able to trace the money receipts, therefore, request to rectify the order dated 31.01.2024.

The Authority observes that under section 39 of the RERA Act, 2016, only a mistake apparent from the record can be rectified and no substantive part of order can be rectified. Therefore, plea of complainant is not sustainable as the same is for rectification of substantive part which is not allowed under the provision of the Act.

Accordingly, the said rectification petition is rejected and disposed of.

Sd/-
S.D. Jha
Member

Sd/-
Nupur Banerjee
Member

Sd/-
Vivek Kumar Singh
Chairman