

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

Hon'ble Member Mr. S. D. Jha, RERA, Bihar,

RERA/CC/411/2023

Mritunjay Prasad Choudhary Complainant

Vs.

M/s Ashiana Marketing and Construction Pvt. Ltd.

Respondent

Project: – N/A

RECTIFICATION OF ORDER DATED 04.03.2024

14.05.2024 Perused the rectification petition dated 18.04.2024 filed by the respondent's counsel requesting therein to rectify the final order dated 04.03.2024 by inculcating submission made in para -12 of the said petition or to recall the order dated 04.03.2024 or to pass any other order on the ground that copy of the rejoinder dated 13.02.2024 could not be accessed by him till 5.3.2024 due to full of account storage of his Mail ID. He also stated the reason mentioning that he could know that mail was received from the office of the Authority only after cleaning of its space on 05.03.2024, which resulted in non- submission of reply to the rejoinder. He has also prayed for rehearing the case afresh by invoking inherent power of the Authority under Regulation 23 of the Bihar RERA Regulations, 2021.

The Authority notes that Section 39 of the RERA Act, 2016 clearly states that the Authority may rectify any mistake apparent from record and shall not amend substantive part of its order passed under the provisions of this Act. It is well recognized that every court/tribunal has an inherent power of procedural review. However, the power of substantial review can be exercised only if such power is specifically conferred under the relevant Act or the statute. In the instant case, the applicant has requested for recalling the order dated 04.03.2024 which tantamounts to substantive review. However, there is no provision of substantial review or recall the order passed by the Authority in the RERA Act, 2016, except Section 39 which provides for rectification of mistakes which are apparent from the record without changing substantial part of the order.

Considering the submissions made in the rectification petition dated 18.04.2024 and above facts and having gone through the order dated 04.03.2024, the Authority observes that there is no mistake apparent from the record which can be rectified under Section 39 of the RERA Act, 2016. Hence, the application for rectification stands rejected and disposed of accordingly.

Sd/-
S.D. Jha
Member