REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/CC/107/2023

Mrs. Meera Kumari…… Complainant

Vs.

M/s Sarvodaya Marketing Pvt. Ltd……. Respondent

Project:–SARVODAYA CITY

RECTIFICATION OF THE ORDER DATED 7.12.2023

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09.01.2024 Perused the application dated 8.1.2024 received from the complainant for clarification in the order dated 7.12.2023, wherein it is stated that in her understanding of the RERA order, the first part of the interest must be calculated on the full principal amount of Rs.19,25,000/- (i.e. for the period August 2019 to August 2021 and the other part of the interest must be calculated on the remaining due principal amount depending on when and how much was refunded by M/S Sarvodaya Marketing during August 2021 to July 2022, whereas the respondent states that the entire interest must be calculated only on 12,25,000/- for the entire period from August, 2019 to December, 2023, which is not correct.

In the aforesaid context, at the very outset, it is to see what is the prayer in the complaint dated 20.01.2023. In the said complaint the complainant has requested to return the outstanding amount of Rs.12,25,000/- along with interest at the rate of 12% per annum and Rs.5,00,000/- towards compensation. The complainant had never highlighted the submission, as stated in the application for clarification, either during course of the proceedings or in the complaint, which resulted in non-response on the said point from the side of the respondent and, consequently, the order dated 7.12.2023 was passed on the basis of the submission made during course of the proceedings and made in the complaint. At this stage, it

would not be appropriate to make any further clarification in the order, as requested, at the instance of the complainant. It is further to highlight that the Authority orders to pay interest either by promoter or allottee in terms of Section 17 of the Bihar Real Estate (Regulation & Development)Rules, 2017.

In view of the aforesaid facts, the Authority observes that there is no mistake apparent from the record which can be rectified under Section 39 of the RERA Act, 2017. Hence, the request for clarification in the order dated 7.12.2023 cannot be entertained and the same is rejected.

With the above observation, the application for clarification dated 8.1.2024 stands disposed of.

Sd/-
S.D. Jha,
Member