

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3277 of 2021**

1. Smt. Deepa Ramteke W/o. Love Kumar Ramteke, Aged About 42 Years R/o. Princess Platinum, New Khandelwal Colony, Mamta Nagar, Rajnandgaon, District Rajnandgaon Chhattisgarh
2. Smt. Shantabai Ramteke, W/o Late Sant Kumar Ramteke, Aged About 67 Years R/o. Princess Platinum, New Khandelwal Colony, Mamta Nagar, Rajnandgaon, District Rajnandgaon Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Its Chairman, Real Estate Regulatory Authority (RERA) Shastri Chowk, Raipur Chhattisgarh
2. The Registrar, Real Estate Regulatory Authority (RERA) Shastri Chowk, Raipur Chhattisgarh
3. The Chhattisgarh Real Estate Regulatory Authority (RERA) Shastri Chowk, Raipur Chhattisgarh
4. Balvinder Singh Bhatia, Prop. Bhatia Builders And Colonizers, S/o Late Shri Trilok Singh Bhatia, R/o. Near To Mansukhlal Petrol Pump Prices Palace, Timber Market Road, Kailas Nagar, Rajnandgaon, District Rajnandgaon Chhattisgarh
5. Smt. Saranjeet Kaur Bhatia, Colonizer, W/o. Balvinder Singh Bhatia, R/o. Near To Mansukhlal Petrol Pump Prices Palace, Timber Market Road, Kailas Nagar, Rajnandgaon, District Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioners : Shri Love Kumar Ramteke, Advocate

For Respondents/State : Shri Ashish Tiwari, GA

Hon'ble Shri Justice Goutam Bhaduri**Order****12/08/2021**

1. Heard.
2. The grievance of the petitioners is that an order was passed by the Real Estate

Regulatory Authority (hereinafter referred to as 'RERA') under the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as 'the Act, 2016') on 17.05.2021 wherein while directing for return of the amount, the RERA has made a calculation mistake and as such instead of returning the amount of Rs.5,32,000/- should have passed the order for return of amount of Rs.15,66,000/-.

3. Learned counsel for the petitioners would submit that as per Section 39 of the Act, 2016 within two years from the date of the order made under this Act, if the mistake is brought to the notice, then the RERA may correct the same, however, in this case when the application has been filed, neither the adjudication has been made nor the orders have been passed.
4. Reading of Section 39 of the Act, 2016 would show that it only empowers that the Authority while rectifying any mistake which are apparent from record, would not amend substantive part of its order. Nothing has been placed on record to show that what is the mistake apparent on the record. Even otherwise, if the petitioner claims that instead of Rs.5,32,000/- the return of the amount should have been 15,66,000/-, it cannot be said to be a mistake apparent and the issue goes to the very root of the matter. The petitioners if so aggrieved against the finding of the RERA, they may avail the remedy available to them for filing the appeal, if so advised.
5. Accordingly, the petition is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu