

ARUP SINHA V. IREO GRACE REALTECH PRIVATE LIMITED & 4 ORS.

ARUP SINHA

.....Appellants(s)

Versus

IREO GRACE REALTECH PRIVATE LIMITED & 4 ORS.

.....Respondent(s)

Case No: REVIEW APPLICATION NO. 193 OF 2022

Date of Judgement: 04 October 2023

Judges:

HON'BLE MR. SUBHASH CHANDRA, PRESIDING MEMBER

HON'BLE AVM J. RAJENDRA, AVSM VSM (Retd.), MEMBER

FOR THE APPELLANT : MS UNNATI ANAND, ADVOCATE

FOR THE RESPONDENT : MS SADHVI SWARUP, ADVOCATE

Facts

This is a review application (No. 193 of 2022) filed by the complainant, Arup Sinha, against the order in CC no. 2585 of 2018 dated 28.07.2022. The review application prays for correction of an error in the order indicating the amount deposited by the complainant with the opposite party (IREO Grace Realtech Pvt Ltd & 4 Others) as Rs. 1,53,28,263/- instead of the actual amount of Rs. 1,73,51,677/-. It is submitted by the complainant that this is an error apparent on the face of the record and should be corrected. The account statement was reviewed earlier by the Joint Registrar on 08.08.2023 and it was agreed by both parties that the amount is Rs. 1,73,51,677/- against the sale consideration of Rs.

1,80,61,411.17.

Court's Elaborate Opinion

The Court observes that it is manifest from the records that an amount of Rs. 1,73,51,677/- stood paid by the complainant to the opposite party against the sale consideration of Rs. 1,80,61,411.17. The amount indicated as Rs. 1,53,28,263/- in paragraph 1 of the earlier impugned order dated 28.07.2022 is an error apparent on the face of the record. The review application is therefore allowed. The amount 'Rs. 1,53,28,263/-' in paragraph 1 of the earlier order is ordered to be read as 'Rs. 1,73,51,677/-'.

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Court

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Full Text of Judgment:

1.This review application has been filed by the complainant against order in CC no. 2585 of 2018 dated 28.07.2022, praying for correction of an error in indicating the amount deposited by the complainant with the opposite party as Rs.1,53,28,263/- whereas the actual amount deposited is stated to be Rs.1,73,51,677/-. It is submitted that this is an error apparent on the face of the record and the same may be corrected to be read as prayed.

2. The Account Statement in respect of the amount deposited with the opposite party was reviewed for correctness by the Joint Registrar of this Commission on 08.08.2023 after both parties were directed to file their statements of accounts. Both the parties submitted during oral hearing on 10.08.2023 that there was no difference in their assessment of the account before the Registrar on 08.08.2023 which was agreed to be Rs.1,73,51,677/-.

3. It is manifest from the records that against the sale consideration of Rs.1,80,61,411.17 an amount of Rs.1,73,51,677/- stood paid on behalf of the complainant to

the opposite party.

4. In view of this factual position, the amount indicated in paragraph 1 of the impugned order of Rs.1,53,28,263/- is an error on the face of the record as it should have read as Rs.1,73,51,677/-.

5. In view of the foregoing, the review application is allowed and the amount indicated as 'Rs.1,53,28,263/-' in paragraph 1 is ordered to be read as 'Rs.1,73,51,677/-'.

6. The review application is accordingly disposed of.