



# HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: [www.haryanarera.gov.in](http://www.haryanarera.gov.in)

**COMPLAINT NO. 1245 OF 2020**

**(Reopened for deciding Rectification Application)**

B P Kushwaha

....COMPLAINANT(S)

VERSUS

Maxheights Township & Projects Pvt. Ltd.

....RESPONDENT(S)

**CORAM: Dr. Geeta Rathee Singh  
Nadim Akhtar**

**Member  
Member**

**Date of Hearing: 18.01.2023**

**Hearing: 1<sup>st</sup>**

**Present: - Sh. Amhul Singh, learned counsel for the Complainant.  
Sh. R. Kartikeya, learned counsel for the respondent**

*Geeta Rathee*



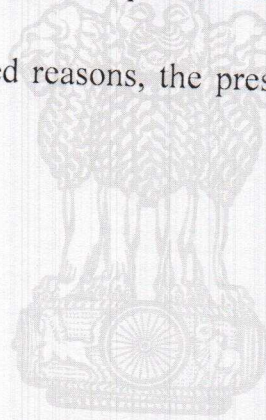
**ORDER (DR. GEETA RATHEE SINGH -MEMBER)**

1. Ld. counsel for the respondent filed the review/rectification application praying for the rectification of orders dated 11.05.2022 passed in the present complaint whereby the captioned complaint was disposed of and respondent was directed to make fresh offer of possession along with delay interest to the complainant. Respondent in the present rectification application has raised the ground that the order dated 11.05.2022 has certain error apparent on record such as electrification charges was wrongly quashed by the Authority, delay interest granted to the complainant is mistakenly given till the date of order, however it should have been till the completion of project i.e in the year 2019. Lastly, delay in completion of project in question is of maximum two year and not six years as recorded in the order. He prayed that relevant order dated 11.05.2022 may be amended/rectified to provide for the above mentioned errors.
2. On perusal of order dated 11.05.2022, it is observed that respondent was directed to make fresh offer of possession along with delay interest to the complainant and on consideration of oral and written submission/documents submitted by the parties, demand for electrification charges was also quashed. Therefore, changing the relief granted to complainant in any respect at this stage by allowing this rectification application will amount to changing the substantive part of the order.

  
Dr. Rathee



3. Authority under section 39 of the RERA Act, 2016 is mandated to rectify clerical mistakes apparent on the face of record. The RERA Act, 2016 does not entrust the power of review on the Authority.
4. Relief sought by the applicant respondent is in the nature of review application and not rectification of error apparent on the face of record and if the relief is allowed the same shall result in amendment of the operative/substantive part/review of the judgment of the Authority.
5. In Fact the proviso 2 to section 39 categorically provides that the Authority "shall not" while rectifying any mistake apparent from record, amend substantive part of its order passed under the provisions of the Act.
6. For the above stated reasons, the present rectification application is hereby **dismissed.**



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DR. GEETA RATHEE SINGH  
[MEMBER]

.....  
NADIM AKHTAR  
[MEMBER]