



| PROCEEDINGS OF THE DAY | | 5 |
|--------------------------------|---|----------|
| Day and Date | Thursday and 17.08.2023 | |
| Complaint No. | MA NO. 119/2023 in CR/825/2021 Case titled as Abeda Khan Vs Athena Infrastructure Limited | |
| Complainant | Abeda Khan | |
| Represented through | None | |
| Respondent | Athena Infrastructure Limited | |
| Respondent Represented through | None | |
| Last date of hearing | 27.7.2023 | |
| Proceeding Recorded by | Naresh Kumari and HR Mehta | |

Proceedings

The aforesaid complaint was disposed of vide order dated 10.02.2022 of Authority wherein allowing DPC @ 9.30% from date of endorsement i.e. 28.06.2017 till offer of possession plus two months i.e. 09.07.2019.

None present on behalf of both the parties.

The complainant-applicant filed an application for rectification on 18.04.2023 wherein seeking following relief:-

| S.no | As per order dated 10.02.2022 | Rectification proposed |
|-------------|--|---|
| 1. | DPC @ 9.30% from date of endorsement i.e. 28.06.2017 till offer of possession plus two months i.e. 09.07.2019. | DPC shall be allowed from date of due date i.e. 04.07.2015 till offer of possession in view of endorsement. |



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
MA No 119/2023/HR/825/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी डब्ल्यू डी. विश्राम गृह सिविल लाइंस गुरुग्राम हरियाणा

The Authority observes that the complainant-applicant has filed application dated 18.04.2023 under Section 39 of Act seeking aforesaid rectification well within the limitation period of two years as provided under said provision of Act. However, the said provision clearly specifies that the said rectification must that the Authority shall not, while rectifying any mistake apparent from record, amend substantive part of its order passed under the provisions of this Act. The relevant portion of the Act is reproduced hereunder :-

39. Rectification of orders.—*The Authority may, at any time within a period of two years from the date of the order made under this Act, with a view to rectifying any mistake apparent from the record, amend any order passed by it, and shall make such amendment, if the mistake is brought to its notice by the parties:*

Provided that no such amendment shall be made in respect of any order against which an appeal has been preferred under this Act:

Provided further that the Authority shall not, while rectifying any mistake apparent from record, amend substantive part of its order passed under the provisions of this Act.

Keeping in view the proviso to Section 39 of Act, the said application for rectification is hereby dismissed.

V. I - 3
Vijay Kumar Goyal
Member
17.08.2023