

PROCEEDINGS OF THE DAY		36
Day and Date	Tuesday and 08.08.2023	
Complaint No.	MA No. 149/2023 in CR/429/2018 Case titled as Yashika Mahajan Vs NEO DEVELOPERS PVT. LTD.	
Complainant	Yashika Mahajan	
Represented through	Shri Deepak Mehra Advocate	
Respondent	NEO DEVELOPERS PVT. LTD.	
Respondent Represented	S/Shri Venket Rao and Pankaj Chandola Advocates	
Last date of hearing	Application u/s 39 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings-cum-Order		
<p>Shri Deepak Mehra Advocate has appeared on behalf of the complainant and filed memo of appearance today.</p> <p>The complainant has filed an application for rectification dated 02.05.2023 regarding rectification in the detailed order dated 22.10.2018.</p> <p>The authority observes that there are provisions under section 39 of the Act which deals with ratification of the order, however, the ambit and scope of section 39 of the Act is very limited. The authority observes that section 39 deals with the <i>rectification of orders</i> which empowers the authority to make rectification within a period of 2 years from the date of order made under this Act and the authority may rectify any mistake apparent from the record and make such amendment, if the mistake is brought to its notice by the parties. However, rectification cannot be allowed in three cases, <i>firstly</i>, when the application for rectification is filed after 2 years from the date of the order made under this Act, <i>secondly</i>, orders against which appeal has been preferred, <i>thirdly</i>, to amend substantive part of the order. The relevant portion of said section is reproduced below:</p> <p style="text-align: center;"><i>"Section 39- Rectification of orders</i></p>		

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:

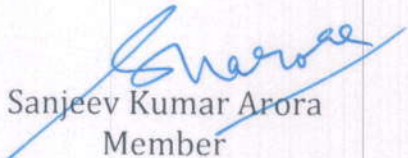
Provided that no such amendment shall be made in respect of any order against which an appeal has been preferred under this Act:


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.”
(Emphasis Supplied)

The present complaint was disposed of by the authority on 22.10.2018 and the complainant has filed the present application on 02.05.2023 which is after the limitation period of 2 years as provided under section 39 of the Act.

The authority vide email dated 29.01.2019 has declined the request for rectification of orders in CR No.428 of 2018 and 429/2018. An appeal against the orders was filed in Hon'ble Appellate Tribunal and was disposed off vide order dated 11.10.2019.

In view of the above facts, the application for rectification dated 02.05.2023 stands rejected. File be consigned to the registry.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member


Vijay Kumar Goyal
Member
08.08.2023