



**HARERA**  
**GURUGRAM**

**HARYANA REAL ESTATE REGULATORY AUTHORITY**  
**GURUGRAM**

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

<b>PROCEEDINGS OF THE DAY</b>		<b>50</b>
Day and Date	Thursday and 13.07.2023	
Complaint No.	CR/5602/2019 Case titled as Tarun Tuli Vs M/s BPTP Limited and M/s Countrywide Promoters Pvt. Ltd.	
Complainant	Tarun Tuli	
Represented through	Shri Nilotpal Shyam Advocate	
Respondent	M/s BPTP Limited and M/s Countrywide Promoters Pvt. Ltd.	
Respondent Represented	Shri Harshit Batra Advocate	
Last date of hearing	04.05.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

### **Proceedings**

The aforesaid complaint was disposed off vide order dated 26.04.2022 of the authority wherein the complainant was held entitled delay possession charges. The complainant filed an application for rectification of order dated 26.04.2022.

Vide said application for rectification of order dated 26.04.2022, the complainants-applicants has sought the following rectification:-

The complainants - applicants have filed an application dated 30.10.2020 for amendment of complaint and raised following issues:

1. Increase in basic sale price.
2. set-aside increase in area
3. Set-aside cost escalation
4. Electrification charges and STP charges
5. VAT

It is observed that the relief sought in the original complaint has been adjudicated while passing the final order and further that no order w.r.t amendments sought in the application was passed and hence, amendment cannot be considered at this stage keeping in view Section 39 of the Act.



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CR/5602/2019

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

The counsel for the complainant produced a citation of Hon'ble SC in (2007) 12 Supreme Court Cases 596 in case titled as Honda Siel Power Products Ltd. versus Commissioner of Income Tax, Delhi wherein rectification was allowed w.r.t. assessment of income tax only.

In view of the above, the counsel for the respondent states that if the amendment is allowed at this stage, it amounts to change the substantial part of the final order which is violation of section 39 of the Act.

The authority is of the view that rectification is not maintainable in view of section 39 of the Act and hence, application is dismissed. File be consigned to the registry.

KI-  
Vijay Kumar Goyal  
Member  
13.07.2023