



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा मू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

PROCEEDINGS OF THE DAY		9
Day and Date	Tuesday and 30.01.2024	
Complaint No.	MA NO. 468/2023 in CR/905/2019 Case titled as Ajay Singh And Chetna Singh VS Emaar MGF Land Ltd.	
Complainant	Ajay Singh And Chetna Singh	
Represented through	Shri K.K. Kohli Advocate	
Respondent	Emaar MGF Land Ltd.	
Respondent Represented	Shri Ishaan Dang Advocate	
Last date of hearing	Application for rectification	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings-cum-order

The aforesaid complaint was disposed of vide order dated 01.10.2021 by the authority wherein the complainant was held entitled for delay possession charges along with prescribed rate of interest.

An application dated 14.12.2023 has been filed by the complainant for rectification of order dated 01.10.2021.

Vide said application for rectification of order dated 01.10.2021, the complainants-applicants has sought the relief of handover of possession as same was not mentioned in the detailed order dated 01.10.2021.

The counsel for the respondent draws attention of Section 39 of the Act and also placed on record various judgements w.r.t. rectification of orders/review application barred by limitation and states that the authority cannot review its own orders .

Section 39 of the Act is reproduced as under:-

"The Authority may, under section 39, 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



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MANo 468/2023/HRERA/905/2019

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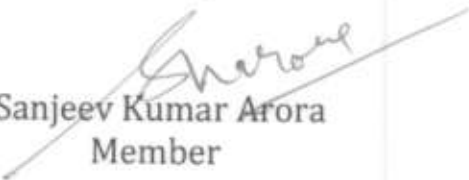
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record, amend any order passed by it, and shall make such amendment, if the mistake is brought to its notice by the parties:-

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 the record, amend substantive part of its order passed under the provisions of the Act."

In view of section 39 of the Act, the authority is of the view that orders dated 1.10.2021 cannot be rectified/reviewed. Hence the rectification application dated 14.12.2023 filed by the complainant is hereby dismissed. File be consigned to the registry.


Sanjeev Kumar Arora
Member


Arun Kumar,
Chairman,
30.012024


Ashok Sangwan
Member