

PROCEEDINGS OF THE DAY		10
Day and Date	Wednesday and 07.02.2024	
Complaint No.	MA NO. 17/2024 in CR/6190/2022 Case titled as Deepanshu Malhotra and Parveen Malhotra VS RAHEJA DEVELOPERS LTD	
Complainant	Deepanshu Malhotra and Parveen Malhotra	
Represented through	Ms. Simran proxy counsel	
Respondent	RAHEJA DEVELOPERS LTD	
Respondent Represented	Ms. Harshita Setia proxy counsel	
Last date of hearing	Application for rectification	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The above-mentioned matter was heard and disposed of vide order dated 06.12.2023 wherein, the Authority had directed the respondent to refund the entire amount received by it from the complainants alongwith interest @10.75% p.a. from the date of each payment till its realization.

The complainants have filed an application dated 10.01.2024 seeking rectification of the name of the complainant No.2 which was inadvertently mentioned by the complainants in complaint as well as in order as "Parveen Malhotra", whereas the correct name of the complainant no.2 is "Parveen Kumari" and the same can be substantiated from the agreement to sell dated 29.12.2016 (Annexure C-5 of complaint).

It is observed that section 39 of the Act, 2016 deals with the *rectification of orders* which empowers the authority to make rectification within a period of 2 years from the date of order made under this Act. Under the above provision, 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,



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HARYANA REAL ESTATE REGULATORY AUTHORITY
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हरियाणा भू-संपदा, विनियामक प्राधिकरण, गुरुग्राम
MANO-17/2024/HCA/8100/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

rectification cannot be allowed in two cases, firstly, orders against which appeal has been preferred, secondly, to amend substantive part of the order. The relevant portion of said section is reproduced below.

Section 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."

Since the present application involves amendment of mistake apparent from the record, the same is allowed in the interest of justice.

This order shall be read as part and parcel of the final order dated 06.12.2023.

Application stands disposed of. File be consigned to registry.

Ashok Sangwan
Member
07.02.2024