

PROCEEDINGS OF THE DAY		10
Day and Date	Wednesday and 15.05.2024	
Complaint No.	MA NO. 209/2024 in CR/6708/2022 Case titled as Jitender Kumar VS Imperia Wishfeild Private Limited	
Complainant	Jitender Kumar	
Represented through	Shri Aditya Advocate	
Respondent	Imperia Wishfeild Private Limited	
Respondent Represented	None	
Last date of hearing	Application u/s 39 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings-cum-orders		
<p>The above-mentioned matter was a part of bunch matter and was heard and disposed of vide order dated 23.08.2023 wherein, the Authority had directed the respondent to refund the paid-up amount received by it alongwith prescribed rate of interest from the date of date of each payment till its realization.</p> <p>The complainant has filed an application for rectification of order dated 23.08.2023 stating that the complainant has paid and claimed only an amount of Rs.14,39,452/- which has been noted in the final order dated 23.08.2023 as Rs.30,03,850/- due to clerical error.</p> <p>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. 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. The relevant portion of said section is reproduced below.</p> <p style="text-align: center;">Section 39: Rectification of orders</p>		



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

MANO-209/2024/14 CR/108/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

"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."

As the complainant has himself admitted the fact that he has only made a payment of Rs.14,39,452/- to the respondent towards the unit in question and as the rectification filed by the complainant is clerical in nature, the same is being allowed.

This order shall be read as part and parcel of the final order dated 23.08.2023.

Application stands disposed off. File be consigned to registry.

Ashok Sangwan
Member
15.05.2024