

PROCEEDINGS OF THE DAY		S1
Day and Date	Wednesday and 15.05.2024	
Complaint No.	MA NO. 226/2024 in CR/3592/2021 Case titled as Rajiv Agarwal and Suman Agarwal VS Raheja Developers Limited	
Complainant	Rajiv Agarwal and Suman Agarwal	
Represented through	Ms. Sanju proxy counsel	
Respondent	Raheja Developers Limited	
Respondent Represented	Ms. Harshit Setia proxy counsel	
Last date of hearing	08.05.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings-cum-order

The above-mentioned matter was a part of bunch matter and was heard and disposed off vide order dated 01.03.2023 wherein, the Authority had directed the respondent to pay delay possession charges from the due date of possession till actual handing over of possession or offer of possession plus two months, whichever is earlier.

The counsel for the complainant has filed an application for rectification of order dated 01.03.2023 stating that in the fact's summary table on page 3 and page 9 of the order, the total amount paid by the allottee has been wrongly mentioned as Rs.88,94,707/- and Rs.89,88,060/- respectively, whereas as per customer ledger dated 25.06.2019 annexed with the complaint, the total amount paid by the complainant is Rs.89,94,707/-.

The authority observes that section 39 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. 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."

As the rectification filed by the counsel of complainant is clerical in nature, the same is being allowed.

This order shall be read as part and parcel of the final order dated 01.03.2023.

Application stands disposed off. File be consigned to registry.


Ashok Sangwan
Member
15.05.2024