



**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

**PROCEEDINGS OF THE DAY**

**10**

Day and Date	Friday and 17.05.2024
Complaint No.	MA NO. 216/2024 in CR/3574/2021 Case titled as Dinesh Kumar VS Apex Buildwell Private Limited
Complainant	Dinesh Kumar
Represented through	Shri Rishabh Jain Advocate (POA filed today during proceedings)
Respondent	Apex Buildwell Private Limited
Respondent Represented	Ms. Shika and Tanya Advocates
Last date of hearing	Application for recalling of order
Proceeding Recorded by	Naresh Kumari and HR Mehta

**Proceedings-cum-orders**

The applicant/respondent vide application dated 08.04.2024 have requested for recalling of order dated 02.02.2024 in the above captioned complaint.

However, the fact cannot be ignored that there is no provision under the RERA Act, 2016 or Rules thereunder permitting the authority to recall its orders except to rectify any order passed by the authority under section 39 providing as under:

*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*



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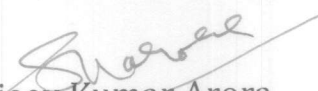
MANO-20/2024/CR/514/22)

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*substantive part of its order passed under the provisions of  
this Act."*

Thus, in view of factual as well as legal position discussed above, there is no merit in the application dated 08.04.2024 filed by the respondent for recall of order dated 02.02.2024 passed by the authority and the same is hereby ordered to be rejected. File be consigned to the registry.

  
Sanjeev Kumar Arora  
Member  
17.05.2024