

PROCEEDINGS OF THE DAY		14
Day and Date	Tuesday and 23.04.2024	
Complaint No.	MA NO. 430/2023 in CR/2622/2019 Case titled as Mr Chhavi Mohan Bhutani And Mr Pankaj Arora VS VSr Infratech Private Limited	
Complainant	Mr Chhavi Mohan Bhutani And Mr Pankaj Arora	
Represented through	Shri Kanish Bangia Advocate	
Respondent	VSR Infratech Private Limited	
Respondent Represented	Ms. Shriya Takkar and Ms. Smriti Srivastava Advocates	
Last date of hearing	12.03.2024 (Appl. for rectification)	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings-cum-orders

The counsel for the respondent states that the application filed u/s 39 of the Act 2016 is not maintainable on two grounds:-

- i) The application has been filed after a period of 4 years of passing of the orders and the rectification can only be made within a period of 2 years under the provisions of Section 39 of the Act.
- ii) There is already an appeal No.141/2021 preferred before the Hon'ble Appellate Tribunal which was withdrawn by the appellant and the same was dismissed as withdrawn vide order dated 21.08.2023 and a review application has now been filed before the Hon'ble Appellate Tribunal which is pending adjudication. As per proviso to section 39 of the Act, no such amendment can be made in respect of any order in which an appeal has been preferred under the Act of 2016.



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

MA/430/2023/CR/2622/2019


New PWD Rest House, Civil Lines, Gurugram, Haryana

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

It is also submitted by the counsels that the matter is under execution before the competent authority.

The counsel for the respondent - promoter states that the respondent shall hand over the possession of the unit to the complainant subject to clearance of pending dues after adjustment of DPC amount as already awarded by the Authority.

In view of the above, the application for rectification is dismissed being not maintainable under section 39 of the Act *ibid*. File be consigned to the registry.


Ashok Sangwan
Member


Vijay Kumar Goyal
Member

Arun Kumar
Chairman
23.04.2024