

**BEFORE THE HARYANA REAL ESTATE REGULATORY  
AUTHORITY, GURUGRAM**

<b>M.A. no.</b>	:	<b>182 of 2024</b>
<b>Complaint no.</b>	:	<b>15 of 2018</b>
<b>Complaint filed on</b>	:	<b>12.02.2018</b>
<b>M.A. decided on</b>	:	<b>23.04.2024</b>

Kanika Sharma R/o: C-84, Oakwood Estate, Dlf Phase-2, Gurgaon-122002	<b>Complainant</b>
Versus	
Supertech Limited Address: 1114, 11th Floor, Hemkunt Chambers, Nehru Place, New Delhi-110019	<b>Respondent</b>

<b>CORAM:</b>	
Shri Arun Kumar	<b>Chairman</b>
Shri Vijay Kumar Goyal	<b>Member</b>
Shri Ashok Sangwan	<b>Member</b>

<b>APPEARANCE:</b>	
Kanika Sharma	<b>Complainant</b>
None	<b>Respondent</b>

**ORDER ON RECTIFICATION APPLICATION DATED 20.03.2024**

1. The present complaint was heard and disposed off by the authority vide order dated 05.07.2018, wherein the Authority had directed that in the eventuality of failure of the promoter to give possession by 31.12.2019, the



allottee shall be refunded the amount received by the promoter along with the prescribed interest i.e. 10.45% from due date of possession i.e., 31.12.2019 till actual date of handing over of the possession and respondent was further directed to give interest on amount on 10<sup>th</sup> of every month.

2. The complainant has now moved an rectification application under section 39 of Real Estate (Regulation and development) Act, 2016 dated 20.03.2024 seeking rectification of order dated 05.07.2018 in terms of change of respondent's name from M/s Supertech Limited to M/s Sarv Realtors Pvt. Ltd. The complainant present in person states that M/s Sarv Realtors Pvt. Ltd. could not be made as a party and the complaint was disposed off in the year 2018 but the order of the authority dated 29.11.2019 for handing over the assets to M/s Sarv Realtors Pvt. Ltd. is subsequent to the above order and hence requests for rectification of the said order.
3. 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. However, 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."*

4. In the present matter, the complainant has sought the rectification of change/amendment of name of the respondent Supertech Limited to of M/s Sarv Realtors Pvt. Ltd. as respondent. The rectification sought by the complainant is not a mistake apparent from the record and therefore the authority cannot amend its own order and allow the rectification.
5. However, the authority took suo-motu cognizance on a complaint filed by PNB Housing Finance Ltd. against Supertech Limited, for violating the provisions of The Real Estate (Regulation and Development) Act, 2016. Where all the assets and liabilities whatsoever in nature, in the Project "Supertech Hues and Azalia" in the name of Supertech Ltd. be shifted to Sarv Realtors Pvt. Ltd./DSC and others. The relevant portion of the said order is reproduced here:

vi. *All the assets and liabilities including customer receipts and project loans of whatsoever nature, in the Project "Supertech Hues and Azalia" in the name of Supertech Ltd. be shifted to Sarv Realtors Pvt. Ltd./DSC and others. However, even after the rectification, Supertech Ltd. will continue to remain jointly responsible for the units marketed and sold by it and shall be severally responsible if Sarv Realtors Pvt. Ltd./DSC and others fail to discharge its obligations towards the allottees.*

6. The authority further observe that vide registration bearing no.182 of 2017 dated 04.09.2017 valid upto 31.12.2021 for License bearing no. 106-



**HARERA**  
**GURUGRAM**

MA No. 182 of 2024 in  
CR no. 15 of 2018

107 of 2013, 89 of 2014 and 134-136 of 2014

issued by the Department of Town and Country Planning, Haryana for an area 32.83 acres Group Housing Colony ("Hues Towers-A,B,E,F,G,H,M,N,K,T,V,W,O,P,C and D and Azalia Towers T-1,T-2,T-3,T-4,T-5,T-6 & T-7) situated in Village Badshapur, Sector 68, Gurugram are registered with the this authority.

7. In view of the same M/s Sarv Realtors Pvt. Ltd./DSC and others are bound to follow the order of the authority along with Supertech Ltd. as they are liable for all the assets and liabilities of Supertech Ltd. in connection to project Supertech Azalia and Supertech Hues.
8. This order be read with and in continuation of order dated 05.07.2018 passed by the authority.
9. File be consigned to registry.

(Ashok Sangwan)  
Member

V.I - G  
(Vijay Kumar Goyal)  
Member

(Arun Kumar)  
Chairman

Haryana Real Estate Regulatory Authority, Gurugram

Dated: 23.04.2024