

PROCEEDINGS OF THE DAY**8**

Day and Date	Wednesday and 01.05.2024
Complaint No.	MA NO. 204/2024 in CR/1323/2021 Case titled as GENA DEVI AND BHANU PRATAP VS OCEAN SEVEN BUILDTECH PVT. LTD.
Complainant	GENA DEVI AND BHANU PRATAP
Represented through	Ms. Shikha proxy counsel
Respondent	OCEAN SEVEN BUILDTECH PVT. LTD.
Respondent Represented	None
Last date of hearing	Appl. under section 39 of the Act
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings-cum-orders

The above-mentioned matter was a part of bunch matter and was heard and disposed of vide order dated 24.01.2024 wherein, the Authority had directed the respondent to refund the paid-up amount received by it after deducting 3% of the sale consideration money in addition to Rs.25,000/- as per clause 5(iii)(h) of the Policy of 2013 alongwith prescribed rate of interest from the date of surrender till its realization.

The complainant has filed an application for rectification of order dated 24.01.2024 stating that the complainant has paid an amount of Rs.6,33,150/- which has been noted in the final order dated 24.01.2024 as Rs.1,17,250/- due to clerical error and proof regarding the same is annexed with rectification application as Annexure A1.

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.



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

MANO 204/2024 (CR) 23/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

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 complainant is clerical in nature and the same is allowed.

This order shall be read as a part and parcel of the final order dated 24.01.2024.

Application stands disposed of. File be consigned to registry.

Ashok Sangwan
Member
01.05.2024