

<b>PROCEEDINGS OF THE DAY</b>		<b>5</b>
Day and Date	Tuesday and 30.07.2024	
Complaint No.	MA NO. 201/2024 in CR/725/2019 Case titled as Devender Lal Pahwa VS Raheja Developers Ltd.	
Complainant	Devender Lal Pahwa	
Represented through	Shri Ravi Rao Advocate	
Respondent	Raheja Developers Ltd.	
Respondent Represented	Shri Garvit Gupta Advocate	
Last date of hearing	23.04.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

#### Proceedings-cum-order

The aforesaid complaint was disposed of vide order dated 18.02.2020 by the authority wherein the complainant was held entitled for interest at the prescribed rate of 10.20% p.a. for delay in handing over of possession from the due date of possession i.e., 24.11.2015 till the offer of actual possession and to pay interest accrued from 24.11.2015 till 18.02.2020.

An application was filed by the complainant on 26.03.2024 for rectification of order dated 18.02.2020 and the complainant-applicant has sought following rectification:-

S.No.	Matter sought to be rectified	Relevant page of detailed order dated 18.02.2020 showing error	Proposed rectification by the applicant-complainant with relevant page of paper book showing error
1.	Amount paid by the Applicant-complainant	Rs.78,48,013/- [Point no.13 at page 3 of detailed order dated 18.02.2020 and para 4	Rs.87,07,435/- [as per the receipts & demand letter filed by the applicant-complainant along





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

		at page 5 of detailed order dated 18.02.2020] The amount was calculated from the receipts present on record. There was no demand letter on record earlier.	with the present application at page 38 of rectification application]
2.	<b>Name of the complainants</b>	<b>Devender Lal Pahwa</b> [As per performa B]	<b>Devender Lal Pahwa and Varsha Rani Pahwa</b>

On last date of hearing i.e., 23.04.2024, the counsel for the complainant was directed to hand over a copy of the said application to the proxy counsel for the respondent today itself who shall file reply within one week but no reply has been received till date.

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."*

MA No. 201/2024 in CR/725/2019




**HARERA**  
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The authority observes that the application for rectification was filed on 26.03.2024 which is after the statutory limitation period of two years as per section 39 of the RERA Act, 2016. Hence, the present application barred by limitation and is thus dismissed. File be consigned to the registry.

  
Sanjeev Kumar Arora  
Member

  
Ashok Sangwan  
Member

  
Arun Kumar  
Chairman  
30.07.2024