



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

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Day and Date	Friday and 04.10.2024
Complaint No.	MA NO. 470/2023 and 76/2024 in CR/1995/2023 Case titled as Deepak Setia and Surbhi Setia VS ST. Patrick's Reality Private Limited
Complainant	Deepak Setia and Surbhi Setia
Represented through	Shri Sanat Garg Advocate
Respondent	ST. Patrick's Reality Private Limited
Respondent Represented	Shri Pankaj Chandola Advocate
Last date of hearing	09.08.2024/application for rectification
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings-cum-orders

The present complaint was disposed of on 03.11.2023:

Three applications have been filed by the complainant as well as the respondent to rectify the orders passed on 03.11.2023. Again, an application for urgent hearing of the rectification applications filed by the respondent dated 21.08.2024. All these application are being clubbed together as they are interconnected.

The details of rectification applications are given below :-

Final order dated	Rectification application filed by the respondent	Rectification application filed by the complainant	2 nd Rectification application filed by the respondent
03.11.2023	dated 15.12.2023	dated 29.12.2023	dated 02.02.2024
The authority directed the	Wherein it is seeking	Wherein it is seeking rectification in the	Where it is seeking



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MANA 470/2023 and 76/2024
19/5/2023

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respondent builder to handover possession within 60 days alongwith delayed possession. It was also directed to respondent-builder to adjust the pre-EMI of an amount of Rs. 11,90,667/- towards DPC	rectification in the direction of final order dated 03.11.2023 of amount of pre-EMI paid by the respondent from Rs. 11,90,667 to Rs. 36,39,984/-. On the ground that the respondent has paid pre - EMI to complainant till February 2023.	direction of final order dated 03.11.2023 to exclude the adjustment of pre-EMI from the computation of DPC. In reply to this application respondent stated through reply on 02.02.2024 that exclusion of iii direction will amount of review of the order. The same is outside the purview of the authority.	change of due date from 26.01.2021 to 26.07.2021 (additional six months it is seeking on account of COVID)
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With respect to M.A. no. 485/2023 and 76/2024, the complainant has sought exclusion of direction (iii) of the final order wherein adjustment of Pre-EMI from delayed possession charges was allowed and respondent has sought change of due date from 26.01.2021 to 26.07.2021 (additional six months it is seeking on account of COVID) respectively.

The said applications are not maintainable being covered under the exception mentioned in 2nd proviso to section 39 of the Act, 2016. A reference in this regard may be made to the ratio of law laid down by the Haryana Real Estate Appellate Tribunal in case of *Municipal Corporation of Faridabad vs. Rise Projects* vide appeal no. 47 of 2022 decided on 22.04.2022 and wherein it was held that the authority is not empowered to review its orders.



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Thus, in view of the legal position discussed above, there is no merit in the applications dated 15.12.2023, 29.12.2023 and 02.02.2024 filed by the respondent and complainant for rectification of order dated 03.11.2023 passed by the authority and the same are hereby dismissed. File be consigned to the registry.

Arun Kumar
Chairman
04.10.2024