

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

<b>Complaint no. :</b>	<b>MA No 356/2024 in CR No. 2725/2023</b>
<b>Order reserved on :</b>	<b>16.05.2024</b>

Ms. Archana Dhingra

**R/o:** T-2/901, Unitech Fresco, South City-II, Nirvana Country,  
Sector-50, Gurugram, Haryana-122018.

**Complainant**

**Versus**

Clarion Properties Limited

**Regd. office:** Plot No. 8, Sector-44, Gurugram-122002

**Respondent**

**CORAM:**

Shri Vijay Kumar Goyal

**Member**

**APPEARANCE:**

Shri Varun Chugh (Advocate)

Shri Arul Parkash (Advocate)

**Complainant  
Respondent**

**ORDER**

1. The aforementioned complaint was disposed of by this Authority vide order dated 16.05.2024, wherein delayed possession interest at the prescribed rate of 10.85% per annum was granted, from the due date of possession, i.e., 28.10.2020, inclusive of a six-month grace period due to the COVID-19 pandemic, up to the offer of possession made on 13.02.2023, plus an additional two months. The detailed order pertaining to this matter was duly uploaded on the official website of the Authority on 10.06.2024.
2. Subsequently, the counsel for the respondent submitted an application, MA No. 356/2024, dated 11.06.2024, under Section 39 of the Act, seeking rectification of the proceedings dated 16.05.2024. The counsel contended that, according to clause 7 of the builder-buyer agreement dated 28.10.2016

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executed between the parties, the due date of possession was indeed 28.10.2020. However, possession of the unit was granted on 13.02.2023. It was argued that, since the due date of possession falls after 25.03.2020, the provisions of notification no. 9/3-2020 dated 26.05.2020 regarding force majeure conditions due to the COVID-19 pandemic, warranted an extension of six months, which should be considered beyond the timeline specified in the agreement dated 28.10.2016.

3. Consequently, the respondent requested rectification of the order dated 16.05.2024, specifically to replace the term “including” in the last paragraph with “excluding”.
4. In response, the counsel for the complainant filed a reply to application MA No. 356/2024. The complainant contended that the application is not maintainable, asserting that the respondent is attempting to modify the relief granted by the Authority. It was emphasized that the sole remedy available to the respondent is to file an appeal against the final order/judgment issued by this Authority.
5. The complainant further argued that the completion date of the project was 28.10.2020, inclusive of a six-month grace period, which aligns with the six-month grace period already granted by the Authority due to the COVID-19 outbreak. The respondent’s request for an additional six-month extension was characterized as contrary to the law and was rightfully rejected by the Authority.
6. The power conferred under Section 39 of the Act are limited to rectifying clerical or apparent mistakes in the orders issued under the Act. The relevant text of Section 39 is reproduced below for clarity:

*The Authority may, at any time within 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:*

*Provide 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.*

7. After considering the contentions presented by both parties, the Authority finds that the relief sought by the respondent through the application would alter the substantive part of the order dated 16.05.2024, which is beyond the scope of rectification allowed under section 39 of the Act. Furthermore, the issues related to COVID-19 as a force majeure circumstance have already been addressed in the main order/judgment uploaded on the official website on 10.06.2024, wherein it was stated, *"a relief of six months is given equally to both the complainant/allottee and the respondent/promoter, and no interest shall be charged by either party during the COVID period, i.e., from 01.03.2020 to 01.09.2020."*
8. Application is not maintainable and hence stands dismissed.
9. File be consigned to the Registry.

Dated: 05.09.2024

**HARERA**  
**GURUGRAM**

V.1 -   
(Vijay Kumar Goyal)

Member  
Haryana Real Estate  
Regulatory Authority,  
Gurugram