



PROCEEDINGS OF THE DAY		16
Day and Date	Tuesday and 20.08.2024	
Complaint No.	MA No. 381/2024 in CR/1612/2019 Case titled as Amrendra Singh And Raghuvir Singh VS Ramprastha Promoter & Developers Private Limited	
Complainant	Amrendra Singh And Raghuvir Singh	
Represented through	Shri Nilotpall Shyam Advocate	
Respondent	Ramprastha Promoter & Developers Private Limited	
Respondent Represented	None	
Last date of hearing	Application u/s 39 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings-cum-order		
<p>The complainant has filed the present application on 26.06.2024 stating that the authority has through an oversight have missed ordering the delivery/possession and of the unit to the complainant in the order dated 28.01.2020 resulting in the respondent not giving the possession of the unit to the complainant(s) and seeking direction to the respondent to handover the possession to the complainant.</p> <p>The authority observes that the above-mentioned matter was heard and disposed of vide order dated 28.01.2020, wherein the Authority had directed the respondent to pay interest at the prescribed rate of 10.20% p.a. for every month of delay from the due date of possession i.e. 31.12.2012 till the offer of possession and to pay interest accrued from 31.12.2012 till the date of this order to the complainant within 90 days from the date of decision and subsequent interest to be paid by the 10th of each succeeding month.</p> <p>The authority observes that section 39 deals with the <i>rectification of orders</i> which empowers the authority to make rectification within a period of 2 years from the date of order made under this Act.</p>		



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

MANA-381/2024/14 CR/16/2/2019

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईन, गुरुग्राम, हरियाणा

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."

In the present matter, the application for rectification has been filed by the applicant-complainant after the prescribed statutory period and hence, is not maintainable at this belated stage.

Application stands dismissed being not maintainable. File be consigned to the registry.

Ashok Sangwan
Member

V. I. - 3
Vijay Kumar Goyal
Member

Arun Kumar
Chairman
20.08.2024