

PROCEEDINGS OF THE DAY		35
Day and Date	Wednesday and 11.09.2024	
Complaint No.	MA NO. 536/2024 in CR/1908/2023 Case titled as Ashwani Kumar VS Agrante Reality Limited & GIC Housing Finance Limited	
Complainant	Ashwani Kumar	
Represented through	Complainant in person	
Respondent	Agrante Reality Limited & GIC Housing Finance Limited	
Respondent Represented	None	
Last date of hearing	Application u/s 39 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The above-mentioned matter was heard and disposed of vide order dated 10.07.2024 wherein, the Authority had directed the respondent to refund the paid-up amount of Rs.16,07,810/- after deduction of Rs.25,000/- as per clause 5(iii)(i) of the Affordable Housing Policy 2013 along with interest @10.95% per annum as prescribed under rule 15 of the Haryana Real Estate (Regulation and Development) Rules, 2017 from the date of cancellation of allotment i.e. 23.06.2022 till the actual realization of the amount.

The complainant has filed an application for rectification of order dated 12.08.2024 stating that the complainant has paid and claimed only an amount of Rs.10,77,560/- which has been noted in the final order dated 10.07.2024 as Rs.16,07,810/- due to clerical error and the unit no. mentioned in the table of facts of the complaint at page no. 2 unit no. is inadvertently shown as TAI-2047 however it was TAI-1003.

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,



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

MA No 536/2024 (TA) [108/2023]

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.

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 complainant has himself admitted the fact that he has only made a payment of Rs.10,77,560/- to the respondent towards the unit in question and unit no. is TAI-1003. As the rectification filed by the complainant is clerical in nature, the same is being allowed.

This order shall be read as part and parcel of the final order dated 10.07.2024.

Application stands disposed of. File be consigned to registry.

Ashok Sangwan
Member
11.09.2024