

<b>PROCEEDINGS OF THE DAY</b>		<b>14</b>
Day and Date	Wednesday and 18.12.2024	
Complaint No.	MA NO. 908/2024 in CR/2311/2023 Case titled as Dilbag Singh Tokas and Suman Dhillon VS NEO Developers Private Limited	
Complainant	Dilbag Singh Tokas and Suman Dhillon	
Represented through	Shri Sukhbir Yadav Advocate	
Respondent	NEO Developers Private Limited	
Respondent Represented	Shri Vikas Advocate	
Last date of hearing	Application u/s 39 of the Act	
Proceeding Recorded by	Naresh Kumari	

#### Proceedings-cum-order

The above-mentioned matter was heard and disposed of vide order dated 22.05.2024 wherein, the Authority had directed the respondent to pay the arrears of amount of assured return at the rate i.e. Rs.26,000/- per month from the date i.e. 25.08.2016 till the commencement of the first lease on the said unit as per the memorandum of understanding, after deducting the amount already paid by the respondent on account of assured return to the complainants.

The respondent has filed an application for rectification of order dated 22.05.2024, stating that as per clause 4 of the MoU dated 25.08.2016, the respondent is to pay the monthly assured return to the tune of Rs.19,500/-, which has been inadvertently mentioned as Rs.26,000/- in the directions of the order dated 22.05.2024. Further, the complainants have sought relief of assured return from April 2018, as the respondent has already paid an assured return of Rs.6,66,900/- till April 2018. However, the Authority has inadvertently mentioned that the respondent is to pay assured return from 25.08.2016 till the commencement of first lease on the said unit as per the MoU dated 25.08.2016.



**HARERA**  
**GURUGRAM**

**HARYANA REAL ESTATE REGULATORY AUTHORITY**  
**GURUGRAM**

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम  
MANO-908/2024 in CR/23/1/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

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. 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 rectification filed by the counsel of respondent w.r.t the amount of assured return is clerical in nature, the same is being allowed.

So far as rectification w.r.t payment of assured from April 2018 is concerned, the same is declined as the matter in issue has already been heard and decided by this Authority. Further, in para 29 of the order dated 22.05.2024, the Authority has already directed the respondent to deduct the amount already paid by it on account of assured return to the complainants. Moreover, this Authority cannot re-write its own orders and lacks the jurisdiction to review its own order.

This order shall be read as part and parcel of the final order dated 22.05.2024.

Application stands disposed of. File be consigned to registry.

Ashok Sangwan  
Member  
18.12.2024