



**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

<b>PROCEEDINGS OF THE DAY</b>		<b>7</b>
Day and Date	Wednesday and 19.02.2025	
Complaint No.	MA NO. 17/2025 in CR/1800/2023 Case titled as Vinod Kaushik VS Vipul Limited	
Complainant	Vinod Kaushik	
Represented through	Complainant in person with Shri Rakesh Sharma Advocate	
Respondent	Vipul Limited	
Respondent Represented	None	
Last date of hearing	Appl. u/s 39 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

### **Proceedings-cum-order**

1. The above-mentioned matter was **heard and disposed of vide order dated 14.08.2024**, wherein the Authority has directed the respondent to pay interest to the complainant against the paid-up amount at the prescribed rate of 11% p.a. for every month of delay from the due date of possession, i.e., 02.07.2021 till the date of handing over of possession, i.e., till 02.07.2021, as per Section 18(1) of the Act of 2016 read with Rule 15 of the Rules, 2017. . The detailed order pertaining to this matter was duly uploaded on the official website of the Authority on 20.08.2024.
2. Subsequently, the **applicant-complainant has filed an application dated 09.01.2025, for rectification of the said order dated 14.08.2024** under Section 39 of the Act, seeking rectification of the complaint number mentioned at page 1 of the said order dated 14.08.2024. The counsel for the respondent raised no objection to the aforesaid application.
3. Before proceeding with the matter, it would be appropriate to refer to the provisions of Section 39 of the Act, 2016 under which the present application has been preferred.



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MA No. 17/2025 InCA/1800/23

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

***"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."*

4. Thus, the power conferred under Section 39 of the Act is limited to rectifying clerical or apparent mistakes in the orders issued by this Authority under the Act.
5. The Authority is of the view that complaint no. of the matter had been inadvertently recorded to be 2593 of 2023 instead of complaint no. 1800 of 2023 and similarly date of pronouncement of order has been inadvertently recorded to be 03.04.2024 instead of 14.08.2024. Same is a mistake apparent on record and does not constitute amendment of substantive part of this order under Section 39 of the Real Estate (Regulation and Development) Act, 2016. Therefore, the said application dated 09.01.2025 filed by the complainant for rectification of the said order dated 14.08.2024 is held to be maintainable being covered under the ambit of Section 39 of the Act, 2016, ibid. Hence, complaint no. 2593 of 2023 written at page 1 of the said order shall now be read as complaint no. 1800 of 2023 and date of pronouncement of order shall be read as 14.08.2024.
6. Application allowed. This order shall be read as part and parcel of final order dated 14.08.2024.

Rectification application stands disposed of. File be consigned to the registry.

Ashok Sangwan  
Member  
19.02.2025