

PROCEEDINGS OF THE DAY		15
Day and Date	Tuesday and 21.01.2025	
Complaint No.	MA NO. 981/2024 in CR/5004/2020 Case titled as Dharmender Sharma VS BPTP limited	
Complainant	Dharmender Sharma	
Represented through	Shri Abhay Jain Advocate	
Respondent	BPTP limited	
Respondent Represented	Shri Harshit Batra Advocate	
Last date of hearing	Application u/s 39 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

### Proceedings-cum-order

The aforesaid complaint was disposed of vide detailed order dated 24.03.2022 of the Authority wherein the complainant was held entitled for delay possession charges along with prescribed rate of interest.

An application dated 09.12.2024 was filed by the respondent to rectify the order dated 24.03.2022 to incorporate the outstanding payment of Rs. 17,52,247/-.

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. 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*



**HARERA**  
**GURUGRAM**

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

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम/2020  
MANO 981/2024 in CR/5004/2020

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

*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."***

Since the present application has been filed by the respondent after the lapse of 2 years from the date of order therefore the authority dismisses the rectification application being barred by limitation mentioned in section 39 of the Act, 2016.

Ashok Sangwan  
Member

Arun Kumar  
Chairman  
21.01.2025

V.1-3  
Vijay Kumar Goyal  
Member