



**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>21</b>
Day and Date	Tuesday and 14.01.2025	
Complaint No.	MANO. 755/2024 in CR/1673/2021 Case titled as Kanta Khanna VS Ramprastha Promoter & Developers Private Limited	
Complainant	Kanta Khanna	
Represented through	Shri Garv Malhotra, Advocate	
Respondent	Ramprastha Promoter & Developers Private Limited	
Respondent Represented	Ms. R.Gayathri Manasa, S/Shri Sougat Sinha, Navneet Kumar and Vishal Majumdar Advocates	
Last date of hearing	26.11.2024/appl. u/s 39 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

### **Proceedings-cum-orders**

The aforesaid complaint was disposed of vide order dated 03.09.2024 of the authority wherein the complainant was held entitled for delay possession charge along with prescribed rate of interest. An application dated 04.10.2024 was filed by the complainant for rectification of order dated 03.09.2024.

An application dated 04.10.2024 was filed by the complainant for rectification of order dated 03.09.2024 wherein it is stated that the authority vide daily order dated 02.04.2024 the authority noted the penalty of ₹5 lacs imposed on the respondent vide order dated 30.05.2023 due to non-compliance of the orders of the authority and the respondent was further restrained from creating any third-party rights till further orders and was also directed to file



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MANO-755/2024 in CR/1673/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

an affidavit w.r.t. the sold and unsold inventories and BBA executed within 2 weeks.

The applicant further states that the authority failed to mention the said interim directions w.r.t. filling of affidavit of sold and unsold inventory and restraining the respondent from creating third party rights in the detailed order dated 03.09.2024.

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 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."*

The authority is of the view that interim orders are meant to be temporary measures, providing relief until the final decision is reached in a case and once a final order is issued, you cannot rely on or enforce any earlier interim directions. It is further observed that the authority, in the order dated 03.09.2024 deliberated the reliefs sought by the complainant in detail and specifically directed the respondent to allot a specific plot of 300 sq. yrds. in the project Ramprastha City Sector 92, 93 & 95 in para 36(i) of the said order, therefore the directions for restraining the respondent from creating third party rights & filling of affidavit of sold and unsold inventory automatically stands dissolved. Furthermore, as far as penalty of ₹5 lacs imposed on the respondent vide order dated 30.05.2023 due to non-compliance of the orders of the authority is concerned the same has already been incorporated in the detailed order at para 36(viii).



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MA No 755/2024 in CR/1873/221


New PWD Rest House, Civil Lines, Gurugram, Haryana

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

Therefore, in view of section 39 read with section 38(2) of the Real Estate (Regulation and Development) Act, 2016 the said rectification application is dismissed being devoid of merits.

Application stands disposed off. File be consigned to the registry.

  
Vijay Kumar Goyal  
Member

  
Arun Kumar  
Chairman  
14.01.2025