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HARYANA REAL ESTATE REGULATORY AUTHORITY
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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

PROCEEDINGS OF THE DAY		3-10
Day and Date	Tuesday and 04.02.2025	
Complaint No.	MA No. 655/2024 in CR/1607/2022 Case titled as Lalit Kumar Nain VS Aster Infrahome Private Limited MA No. 651/2024 in CR/6541/2022 Case titled as Neeraj Yadav VS Aster Infrahome Private Limited MA No. 658/2024 in CR/7418/2022 Case titled as Ashwani Kumar VS Aster Infrahome Private Limited MA No. 657/2024 in CR/7421/2022 Case titled as Jagbir Singh VS Aster Infrahome Private Limited MA No. 652/2024 in CR/47/2023 Case titled as Pawan Kumar VS Aster Infrahome Private Limited MA No. 654/2024 in CR/2416/2023 Case titled as Kamal Bansal VS Aster Infrahome Private Limited MA No. 653/2024 in CR/2784/2023 Case titled as Richa Gandhi VS Aster Infrahome Private Limited MA No. 656/2024 in CR/2785/2023 Case titled as Amit Gandhi VS Aster Infrahome Private Limited	
Complainant	As above	
Represented through	Complainant in person in CR No.1607, Pawan Kumar complainant in person in CR No.652	



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MA No 655/2024 in CA 1607/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

	S/Shri Sukhbir Yadav proxy counsel in MA No.651, Sukhbir Yadav and Jagdeep Kumar Advocates
Respondent	Aster Infrahome Private Limited
Respondent Represented through	Shri Shankar Wig and Ms. Sanya Arora Advocates
Last date of hearing	Rectification appl. u/s 39 of the Act
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings-cum-order

1. The applicant/respondent vide application dated 11.09.2024 has requested for rectification of order dated 13.08.2024 w.r.t. correction of due date of possession in the said order in the above captioned complaints which were disposed of by the authority.
2. The counsel for the respondent states at bar that earlier in complaint bearing no. 3244/2021, the authority calculated the due date of possession as 06.11.2020 which was calculated from the date of consent to establish. Whereas, in the present complaints, the authority inadvertently calculated the due date from date of environment clearance and mentioned the due date as 20.01.2020 in para 30 of the detailed order dated 13.08.2024. The counsel for the respondent further draws attention of the authority towards the proceedings dated 30.04.2024 wherein the due date of possession is mentioned as 06.11.2020.
3. The counsel for the complainants argues that an application u/s 39 of the Act, 2016 can be allowed only if there is an error apparent from the record and rectifying the due date of possession shall change the substantive part of the said order, hence may not be allowed. Moreover, the detailed order was passed by the authority after taking into consideration all the documents placed on record and arguments advanced by the parties, therefore there is no ground under section 39 for this application to be allowed.

4. Findings of the Authority:

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण



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MANO 655/2024 MCA/180/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

- a. In view of the facts stated above and the arguments advanced by the parties during the course of hearing, the Authority observes that firstly the daily proceedings dated 30.04.2024 are not the final order and also the said proceedings recorded are the arguments advanced by the counsel for respondent and not the observation of the authority.
- b. Furthermore, the due date of possession in an affordable group housing project is calculated strictly as per clause 1(iv) of the Affordable Group Housing Policy, 2013 (hereinafter referred as AGHP, 2013) i.e., from the date of environmental clearance 22.01.2016 being later. The relevant clause of AGHP, 2013 is produced herein below for the ready reference:

"All such projects shall be required to be necessarily completed within 4 years from the approval of building plans or grant of environmental clearance, whichever is later. This date shall be referred to as the „date of commencement of project“ for the purpose of this policy. The licences shall not be renewed beyond the said 4 years period from the date of commencement of project"

- c. The authority herein observes that the due date of possession is correctly calculated by the authority in the detailed order dated 13.08.2024 as per the AGHP, 2013 and the same is also being mentioned in the final proceedings dated 13.08.2024. Detailed findings w.r.t. the same have already been recorded in the detailed order and there is no error apparent from the record. In view of the above, the rectification applications dated 11.09.2024 are dismissed being not maintainable u/s 39 of the Act, ibid.
5. Ordered accordingly. The matters stand disposed of.

Ashok Sangwan
Member

V.I. Goyal
Vijay Kumar Goyal
Member
04.02.2025