

PROCEEDINGS OF THE DAY		17
Day and Date	Wednesday and 05.03.2025	
Complaint No.	MA NO. 941/2024 in CR/5029/2023 Case titled as Monika Roy Sanyal and Saurav Kumar Sanyal VS ATS Real Estate Builders Private Limited	
Complainant	Monika Roy Sanyal and Saurav Kumar Sanyal	
Represented through	Shri Jatin Sharma Advocate	
Respondent	ATS Real Estate Builders Private Limited	
Respondent Represented	Shri Rahul Thareja Advocate	
Last date of hearing	Appl. u/s 39 of the Act/5.2.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings-cum-order

The above-mentioned matter was heard and disposed of vide order dated **18.09.2024**. In the order dated 18.09.2024, the Authority had directed the respondent i.e., M/s. ATS Real Estate Builders Private Limited to pay interest at the prescribed rate of 11.10% p.a. for every month of delay from the due date of possession i.e., 05.10.2019 till the offer of possession plus two months or handing over of the possession after obtaining the Occupation Certificate whichever is earlier.

The respondent i.e., M/s ATS Real Estate Builders Private Limited has filed an application for rectification of order dated 18.09.2024 stating that grace period of 6 months has not been granted by the Authority to the respondent on account of Covid-19 and requests that the same be allowed and not to charge interest on the delayed possession for the said period.

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."

The Authority is of the view that the relief regarding the grant of grace period to the respondent have been dealt by the Authority in detailed manner in para no. 11 at page no. 20 of the order dated 18.09.2024 and no further clarification to the same is required.

Application stands disposed of. File be consigned to registry.


Ashok Sangwan
Member
05.03.2025