

**BEFORE THE HARYANA REAL ESTATE REGULATORY AUTHORITY,
GURUGRAM**

Application no. : 523 of 2024
Complaint no. : 1857 of 2023
Date of order : 19.02.2025

1. Captain Rajan Kumar Gupta

2. Rinkey Gupta

Both R/o: L-603, The Metrozone, Jawaharlal
Nehru Road, Anna Nagar, Chennai-600040.

Complainants

Versus

M/s Athena infrastructure Ltd.

Office at: - M-62-63, 1st Floor,
Connaught Place, New Delhi-110001.

Respondent

CORAM:

Shri. Ashok Sangwan

Member

APPEARANCE:

Ritesh Srivastava (Advocate)

Rahul Yadav (Advocate)

Complainants

Respondent

ORDER

1. The above-mentioned matter was heard and disposed of vide order dated 19.04.2024 wherein, the Authority had directed the respondent to interest at the prescribed rate of 10.85% p.a. for every month of delay from the due date of possession i.e., 14.07.2017 till the actual handing over of the

possession i.e., 23.11.2023 as per Section 18(1) of the Act of 2016 read with rule 15 of the rules.

2. The respondent has filed an application for rectification of order dated 19.04.2024 stating that the complainant had sought interest at the applicable rate on account of delay in offering possession on Rs.42,02,133/- towards the sale consideration from the date of payment till the date of intimation of offer of possession to the complainants i.e., 16.02.2023. However, the Authority while passing the order had inadvertently allowed interest for the period beyond what was prayed by the complainants.
3. 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:

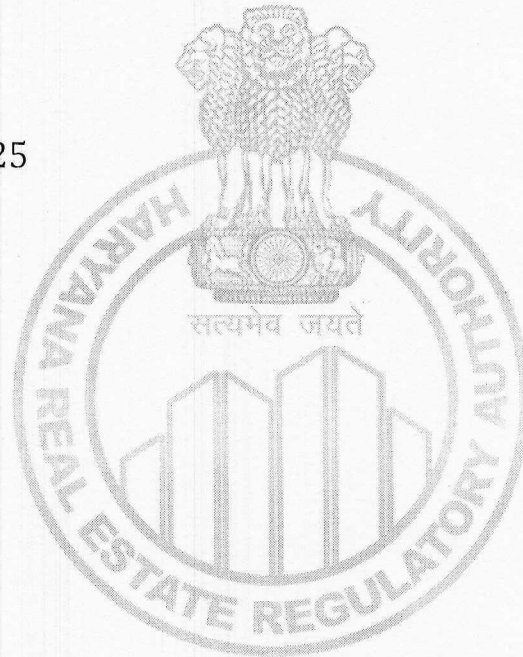
Provided further that the Authority shall not, while rectifying any mistake apparent from record, amend substantive part of its order passed under the provisions of this Act."

4. The Authority observes that while passing the order dated 19.04.2024, the Authority have dealt the above mentioned matter in detailed manner and also recorded the detailed finding on the issue in para no. 42 at page no. 19 of the order. Thus, the Authority is of the view that the relief regarding delayed possession charges has been dealt by the Authority in detailed

manner and the same requires no further clarification or change. Further, any changes to the same would lead to substantial change in the order and the Authority cannot amend the substantive part of the order while deciding the rectification application.

5. Application stands disposed of.
6. File be consigned to registry

Dated: 19.02.2025



(Ashok Sangwan)
Member
Haryana Real Estate
Regulatory Authority,
Gurugram

HARERA
GURUGRAM