

PROCEEDINGS OF THE DAY		9
Day and Date	Wednesday and 08.01.2025	
Complaint No.	MA NO. 883/2024 in CR/2438/2023 Case titled as Parnav Goyal VS Ramprastha Promoters & Developers Private Limited	
Complainant	Parnav Goyal	
Represented through	Shri Ravi Rao proxy counsel	
Respondent	Ramprastha Promoters & Developers Private Limited	
Respondent Represented	Shri Vishal Majumdar proxy counsel	
Last date of hearing	Application under section 39 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings-cum-order

The above-mentioned matter was heard and disposed of vide order dated 25.09.2024 wherein, the Authority has directed the respondent to pay interest to the complainant against the paid-up amount at the prescribed rate of 11.10% p.a. for every month of delay from the due date of possession i.e., 04.09.2009 till actual handing over of possession or offer of possession plus two months after obtaining completion certificate/part completion certificate from the competent authority, whichever is earlier, as per section 18(1) of the Act of 2016 read with rule 15 of the rules.

The counsel for the respondent has filed an application for rectification of order dated 25.09.2024 stating that the entire cause of action of the complainant is based on a money receipt dated 04.09.2006 allegedly to be issued by one Ramprastha Promoters Pvt. Ltd. for an amount of Rs.27,60,000/- towards a 300 sq. yards plot in a future potential project. However, the complainant has opted to file the complaint against the present respondent i.e. Ramprastha Promoters and Developers Pvt. Ltd. He further submits that Ramprastha Promoters and Developers Pvt. Ltd. is a separate legal entity and is distinct from Ramprastha Promoters Pvt. Ltd. and the latter company which is mentioned in the money receipt dated 04.09.2006, was the



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

MANO 883/2024/17 CNZ/38/23

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

entity that dealt with the transaction in question and not the present respondent.

Vide proceedings dated 11.12.2024, the complainant was directed to file reply to the said application. However, no reply has been filed by him till date.

The Authority observes that the respondent vide its reply to the complaint dated 21.02.2024, has itself admitted the fact that the payment of Rs.27,60,000/- was received by it from the complainant towards a 300 sq. yards plot in the future potential project of the respondent. Further, the above said objection was neither pleaded by the respondent in its reply nor the same was raised during pendency of the complaint. Therefore, the same cannot be entertained at this belated stage. Moreover, this Authority cannot re-write its own orders and lacks the jurisdiction to review its own order as the matter in issue has already been heard and decided by this Authority.

It is further observed 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."

Since the present application involves amendment of substantive part of the order by seeking amendment of the name of respondent, this would amount to review of the order. Accordingly, the said application is not maintainable being covered under the exception mentioned in 2nd proviso to section 39 of the Act, 2016.

A reference in this regard may be made to the ratio of law laid down by the



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MANO 683/2024/CR/2458/23

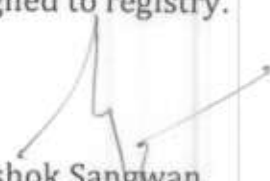
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Haryana Real Estate Appellate Tribunal in case of *Municipal Corporation of Faridabad vs. Rise Projects vide appeal no. 47 of 2022*; decided on 22.04.2022 and wherein it was held that the authority is not empowered to review its orders.

Thus, in view of the legal position discussed above, there is no merit in the application dated 04.11.2024 filed by the respondent for rectification of order dated 25.09.2024 passed by the authority and the same is hereby declined.

Rectification application stands disposed of. File be consigned to registry.


Ashok Sangwan
Member
08.01.2025