



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

<b>Complaint no.</b>	:	<b>444 of 2024</b>
<b>Date of complaint</b>	:	<b>01.03.2024</b>
<b>Date of order</b>	:	<b>08.01.2025</b>

Garima Tripathi, <b>R/o:</b> B-1195, Palam Vihar, Gurugram-122017.	<b>Complainant</b>
<b>Versus</b>	
1. Pareena Infrastructures Private Limited. 2. Virender Verma, 3. Surender Verma, 4. Ravi <b>Having Regd. Office at:</b> Flat No.2, The Palm Apartments, Plot No.13B, Sector-6, Dwarka, New Delhi-110075.	<b>Respondent</b>

<b>CORAM:</b>	
Ashok Sangwan	<b>Member</b>
<b>APPEARANCE:</b>	
Complainant in person	Complainant
Prashant Sheoran (Advocate)	Respondent no.1
None	Respondent no. 2,3&4

**ORDER**

1. The above-mentioned matter was heard and disposed of vide order dated 13.11.2024 wherein, the Authority has directed the respondent to pay interest to the complainant on 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.

30.06.2022 till the expiry of 2 months from the date of offer of possession (17.01.2023) i.e. upto 17.03.2023 only.

2. The complainant has filed an application for rectification of order dated 13.11.2024 stating that the total sale consideration has been erroneously mentioned as Rs.1,06,87,892.96/- instead of Rs.1,03,83,495/- in the final order and the said amount can be cross verified from page 34 of the BBA.
3. The counsel for the respondent has supplied a copy of reply to the application for rectification of order dated 13.11.2024 to the complainant and has also placed a copy of same on record during proceedings. The respondent vide its reply to the application has submitted that the present application is not maintainable before the Authority as the respondent has already registered an appeal bearing no. H-REAT-19-2025 before the Appellate Tribunal against the order dated 13.11.2024. He has further submitted that the applicant by way of present application is trying to change the substantive part of the order which is not permissible in the eyes of law.
4. The Authority observes that section 39 of the Act, 2016 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*

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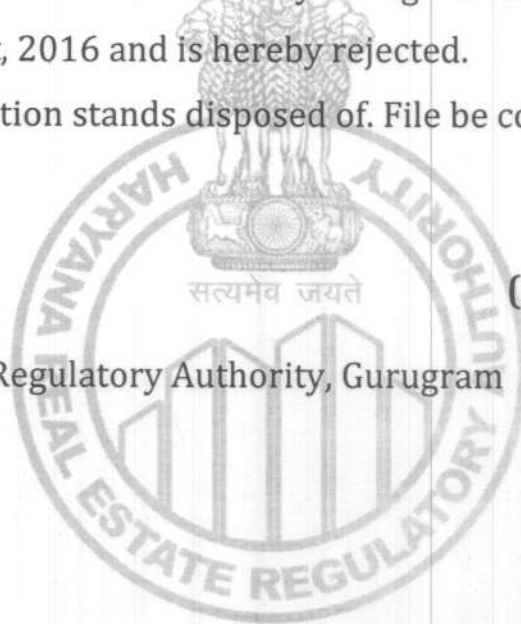
*apparent from the record, amend any order passed by it, and shall make such amendment, if the mistake is brought to its notice by the parties:*

***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."***

5. Since the respondent has already preferred an appeal against the order dated 13.11.2024 before the Appellate Tribunal, the present application is not maintainable before the Authority being covered under proviso to Section 39 of the Act, 2016 and is hereby rejected.
6. Rectification application stands disposed of. File be consigned to registry.

Haryana Real Estate Regulatory Authority, Gurugram  
Dated: 08.01.2025



(Ashok Sangwan)  
Member

**HARERA**  
**GURUGRAM**