



HARERA
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HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

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		12
Day and Date	Wednesday and 29.01.2025	
Complaint No.	MA NO. 580/2024 in CR/6462/2022 Case titled as Anish Mahaveer Prashad Goyal VS ATHENA INFRASTRUCTURE LTD	
Complainant	Anish Mahaveer Prashad Goyal	
Represented through	Shri Gunjan Kumar Advocate	
Respondent	ATHENA INFRASTRUCTURE LTD	
Respondent Represented	Shri Rahul Yadav Advocate for R1 Ms. Simran proxy counsel for R2	
Last date of hearing	Application u/s 39 of the Act/23.10.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings-cum order

The present application has been filed by the respondent on 18.06.2024 seeking rectification w.r.t order dated **20.03.2024**. The respondent no. 2 i.e., India Bulls Housing Finance Ltd. now known as Sammaan Capital Limited has submitted in the application that vide order dated 20.03.2024, the Authority directed the respondent no.2 to issue the No Dues Certificate to the Complainants without even having jurisdiction in respect of the financial institution as respondent no.2 is a financial institution registered under the provisions of the National Housing Bank Act, 1987 and presently governed by Reserve Bank of India. That respondent no.2 is not a developer of the project, nor a real estate agent nor promoter of the project. Hence, no relief could be granted against the respondent no.2

Further, it has been submitted that the complainant is liable to pay the outstanding dues of Rs.9,13,320/- along with pendent lite and future interest @11.50% p.a. from 18/12/2018 upto the date of realization of the same against the loan amount to respondent no.2. The No Dues certificate can only be issued by respondent no.2 upon receipt of the entire loan amount along with interest and other charges.

The complainant has filed a reply to the said application on 16.10.2024. The complainant objected to the application and stated that the present application is deemed to be for review and not amendment and Section 39 of the Act, 2016



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does not allow amendment of the substantive part of an order by reviewing the order.

The counsel for the complainant states at bar that an appeal has been filed against the order passed by the Authority. In view of the above, the application u/s 39 of the Act, 2016 cannot be proceeded further in view of the proviso to Section 39 which provides as under:

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."

In view of the above, the said application is dismissed being not maintainable. File be consigned to the registry.

Ashok Sangwan
Member
29.01.2025