

<b>PROCEEDINGS OF THE DAY</b>		<b>S1</b>
Day and Date	Thursday and 16.01.2025	
Complaint No.	MA No.474/2024 in CR No.1059/2023 case titled as Daya Shanker Choubey and Amita Choubey Versus Pareena Infrastructure Pvt Ltd.	
Complainant	Daya Shanker Choubey and Amita Choubey	
Represented through	Shri Aditya Chaturvedi son of the complainant	
Respondent	Pareena Infrastructure Pvt Ltd.	
Respondent Represented	Shri Prashant Sheoran Advocate	
Last date of hearing	Application under section 39 of the Act/09.01.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

### Proceedings-cum-order

The present complaint was filed on 24.03.2023 and registered as complaint no. 1059 of 2023 and the same was decided by the Authority on 15.02.2024.

On 26.07.2024, the counsel for the respondent filed an application u/s 39 of the Act bearing MA No.474 of 2024, seeking rectification in para 25 of final order dated 15.02.2024 in which Authority observes that

*"25. It has been observed by the Authority while going through the statement of account dated 17.05.2022 issued by the respondent clearly shows that all the due instalments were made on time except the last two instalments and 40% of BSP has been paid way before those two installments. Thus, the timely payment rebate is to be paid to the complainants on account of payment of all due instalments of 40% of BSP within specified time."*

1. 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. However, **rectification cannot be** allowed in two cases, *firstly*, orders against



**HARERA**  
**GURUGRAM**

**HARYANA REAL ESTATE REGULATORY AUTHORITY**  
**GURUGRAM**

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

MA No. 474/2024 IN CR No. 1059/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

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."*

2. Firstly, in para 25 of the order dated 15.02.2024, the Authority has given only an observation on basis of details available on record. Secondly, by way of the present application, the respondent has provided the details of demand raised by the respondent, the due date of payment to be made and delay in making payment by the complainants. It is also brought to the knowledge of the Authority, that the complainants have paid an amount of Rs.21,12,470/- only on 31.03.2014, where the unit was booked by them on 13.09.2013 and as per payment plan 20% of BSP has to be paid within 30 days of booking and thereafter second payment of Rs.12,66,367/- was paid on 28.10.2014 and as per payment plan 10% of BSP has to be paid on start of excavation which was due on 15.10.2014 and thus has stated that no timely payment rebate is admissible.

Therefore, the Authority is of the view, that the timely payment rebate (TPR) is to be given to the complainants only in the agreed terms and conditions of builder buyer's agreement executed inter-se parties dated 11.02.2014.

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

V.1   
Vijay Kumar Goyal  
Member  
16.01.2025