

<b>PROCEEDINGS OF THE DAY</b>		<b>19</b>
Day and Date	Wednesday and 05.02.2025	
Complaint No.	MA NO. 942/2024 in CR/5340/2023 Case titled as Jasleen Kaur VS ATS Estate Builders Private Limited	
Complainant	Jasleen Kaur	
Represented through	Shri Ravi Rao proxy counsel	
Respondent	ATS Estate Builders Private Limited	
Respondent Represented	Shri M.K. Dang Advocate	
Last date of hearing	Appl. u/s 39 of the Act/18.12.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

#### **Proceedings-cum-order**

The above-mentioned matter was heard and disposed of vide order dated **11.09.2024**. In the order dated 11.09.2024, the Authority had directed the respondent i.e., M/s. ATS Real Estate Builders Private Limited to pay interest at the prescribed rate of 11.10% p.a. for every month of delay from the due date of possession i.e., 20.10.2018 till the offer of possession plus two months or actual handing over of the possession after obtaining the Occupation Certificate, whichever is earlier.

The respondent i.e., M/s ATS Real Estate Builders Private Limited has filed an application for rectification of order dated 11.09.2024 stating that grace period of 6 months has not been granted by the Authority to the respondent on account of Covid-19 and requests that the same be allowed and not to charge interest on the delayed possession for the said period.

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.



**HARERA**  
**GURUGRAM**

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

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

MA No. 942/2024 HC/5340/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

**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."*

The Authority is of the view that the said order was pronounced on merits and the relief regarding the grant of grace period to the respondent have been dealt by the Authority in a detailed manner in para no. 11 at page no. 11 of the order dated 11.09.2024.

In view of the above, no relief can be granted under section 39 of the Act, 2016 as there is no error apparent from record. In case the respondent was aggrieved with the order of the Authority on merits, the respondent was free to file an appeal.

Application stands disposed of. File be consigned to registry.

Ashok Sangwan  
Member  
05.02.2025