

PROCEEDINGS OF THE DAY		50
Day and Date	Wednesday and 16.04.2025	
Complaint No.	MA NO. 185/2025 in CR/382/2023 Case titled as Rampal Singh Chuhan VS Signature Global India Private Limited	
Complainant	Rampal Singh Chuhan	
Represented through	None	
Respondent	Signature Global India Private Limited	
Respondent Represented through	Shri Amarjeet Singh proxy counsel	
Last date of hearing	Application u/s 39 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings-cum-order

1. The above-mentioned matter was **heard and disposed of vide order dated 19.02.2025**, 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., 21.02.2022 till the date of offer of possession(23.02.2023) plus two months i.e., upto 23.04.2023, as per proviso to Section 18(1) of the Act of 2016 read with Rule 15 of the Rules, 2017. The detailed order pertaining to this matter was duly uploaded on the official website of the Authority on 20.02.2025.
2. Subsequently, the **applicant-respondent has filed an application dated 05.03.2025, for rectification of the said order dated 19.02.2025** under Section 39 of the Act, seeking rectification of amount paid by the complainant for the purpose of computing delay possession charges in the order dated 19.02.2025 as an amount of Rs.12,912.58/- was adjusted by the respondent towards the head "credit note".
3. Before proceeding with the matter, it would be appropriate to refer to the provisions of Section 39 of the Act, 2016 under which the present application has been preferred.

"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***



HARERA
GURUGRAM

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

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."

4. Thus, the power conferred under Section 39 of the Act is limited to rectifying clerical or apparent mistakes in the orders issued by this Authority under the Act.
5. The Authority is of the view that amount paid by the complainant had been inadvertently recorded to be Rs.23,84,745/- as an amount of Rs.12,912.58/- was towards credit notes and waiver given by the respondent to the complainant and same is evident from customer ledger dated 17.12.2024 placed on record by the respondent by way of affidavit dated 05.02.2025. Thus, an amount of Rs.12,912.58/- ought to be deducted from amount paid by the complainant especially for the purpose of computing delay possession charges. Same is a mistake apparent on record and does not constitute amendment of substantive part of this order under Section 39 of the Real Estate (Regulation and Development) Act, 2016. Therefore, the said application dated 05.03.2025 filed by the respondent for rectification of the said order dated 19.02.2025 is held to be maintainable being covered under the ambit of Section 39 of the Act, 2016, ibid. Hence, amount paid by the complainant written at para 2(12) of the said order shall now be read as Rs.23,71,832.42/-.

In view of the above, application is allowed. This order shall be read as part and parcel of final order dated 19.02.2025. Rectification application stands disposed of. File be consigned to the registry.

Ashok Sangwan
Member
16.04.2025