

PROCEEDINGS OF THE DAY		44
Day and Date	Thursday and 01.05.2025	
Complaint No.	MA NO. 206/2025 in CR/2502/2022 Case titled as Rohit Khanna and Jaya Khanna VS Prompt Engineering Private Limited	
Complainant	Rohit Khanna and Jaya Khanna	
Represented through	None	
Respondent	Prompt Engineering Private Limited	
Respondent Represented	Ms Shriya Takkar, Advocate	
Last date of hearing	24.04.2025/ Application u/s 39 of Act.	
Proceeding Recorded by	H.R.Mehta	
<p style="text-align: center;"><b>Proceedings</b></p> <p>The present complaint was decided by the Authority on 21.12.2023 with the following directions: -</p> <p>i) The respondent/promoter is directed to refund the amount i.e., Rs.28,75,671/- received by him from the complainants after deduction of 10% of the consideration amount as earnest money and the amount already paid by the respondent as pre-handover along with interest on such balance amount at the rate of 10.85% p.a. from the date of cancellation i.e., 25.05.2027 till the actual date of refund of the amount.</p> <p>ii) A period of 90 days is given to the respondent-builder to comply with the directions given in this order and failing which legal consequences would follow.</p> <p>However, on 13.03.2025, the counsel for the respondent has filed an application u/s 39 of the Act of 2016, in which the respondent requests that an amount of Rs.1,72,477/- has been paid to the complainant on account of full and final settlement, which was duly recorded in para 11 of order dated 21.12.2023, but while issuing directions by the Authority has not given any direction w.r.t deduction of the same refunded amount of Rs.1,72,477/- from the refundable amount and hence request for rectification in the same.</p> <p>None present on behalf of the complainant.</p>		





**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

Vide proceedings dated 03.04.2025 and 24.04.2025, last opportunity was granted to the complainant to file a reply to the said application. However, no reply has not been filed till date.

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.

**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."*

As the rectification filed by the counsel of respondent mentioned in para 15 and para 16(i) of this order is mistake apparent from record, the same is being allowed.

Accordingly, the amount of Rs.1,72,477/- already refunded via NEFT dated 21.11.2023 by the respondent-applicant to the complainant-allottee shall also be adjusted from the refundable amount.

In view of the above, the application filed by the respondent u/s 39 of the Act, 2016 is allowed. This order shall be read as part and parcel of the final order dated 21.12.2023.

Application stands disposed of. File be consigned to registry.

  
Vijay Kumar Goyal  
Member  
01.05.2025