



PROCEEDINGS OF THE DAY		6
Day and Date	Tuesday and 08.04.2025	
Complaint No.	MA NO. 169/2025 in CR/179/2021 Case titled as Mohit Chopra VS Advance India Projects limited	
Complainant	Mohit Chopra	
Represented through	Complainant in person	
Respondent	Advance India Projects limited	
Respondent Represented	Shri Dhurv Rohatgi Advocate	
Last date of hearing	Application u/s 39 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings-cum-order

The aforesaid complaint was disposed of vide order dated 23.02.2024 of the authority wherein the complainant was held entitled for refund after deduction of 10% of the sale consideration from the date of cancellation dated 10.07.2020 along with prescribed rate of interest. An application dated 27.02.2025 was filed by the respondent for rectification of order dated 23.02.2024.

The complainant present in person states that an appeal has already been filed by the complainant-allottee in the Hon'ble Appellate Tribunal bearing appeal no.224 of 2024 and is fixed for hearing on 1.5.2025.

The Authority observes that as per provisions of section 39 of the Act, 2016 it has been provided as under:

"Section 39: Rectification of orders.

39. 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."



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

In view of the above, since an appeal has been filed in the matter, the application filed by the respondent for rectification/ clarification of the order dated 23.02.2024 is not maintainable in terms of the proviso to Section 39 of the Act, 2016.

Hence, the present application is dismissed. File be consigned to the registry.

Ashok Sangwan
Member

Arun Kumar
Chairman
08.04.2025

Vijay Kumar Goyal
Member