

PROCEEDINGS OF THE DAY		15
Day and Date	Tuesday and 11.02.2025	
Complaint No.	MA NO. 792/2024 in CR/1946/2021 Case titled as Sourabh Chopra VS Raheja Developers Limited	
Complainant	Sourabh Chopra	
Represented through	Shri Anshul Sharma Advocate	
Respondent	Raheja Developers Limited	
Respondent Represented	Shri Garvit Gupta Advocate	
Last date of hearing	Appl. u/s 39 of the Act/3.12.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings-cum-order

The aforesaid complaint was disposed of vide order dated 24.08.2021 of the authority wherein the Authority directed the respondent to pay delay possession charge along with prescribed rate of interest. An application dated 18.10.2024 was filed by the complainant for rectification of order dated 24.08.2021.

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 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:



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

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."

Since the present application has been filed by the respondent after the lapse of 2 years from the date of order, therefore, the authority dismisses the rectification application, being barred by limitation mentioned in section 39 of the Act, 2016.

File be consigned to the registry.

Ashok Sangwan
Member


Arun Kumar
Chairman
11.02.2025


Vijay Kumar Goyal
Member