



**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

<b>PROCEEDINGS OF THE DAY</b>		<b>14</b>
Day and Date	Tuesday and 11.03.2025	
Complaint No.	M.A No. 61/2025 in CR/1210/2023 Case titled as Archana Prabhakar V/S Ocean Seven Buildtech Private Limited	
Complainant	Archana Prabhakar	
Represented through	Ms. Tanya Advocate	
Respondent	Ocean Seven Buildtech Private Limited	
Respondent Represented through	Shri Arun Yadav Advocate	
Last date of hearing	Application u/s 39 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
<b>Proceedings-cum-order</b>		
<p>The applicant/respondent vide application dated 23.01.2025 has requested for rectification of order dated 16.02.2024 in the above captioned complaint which was disposed of by the Authority to set aside the order dated 16.02.2024.</p>		
<ol style="list-style-type: none"><li>1. That the complainant was a partner and investor in the said complaint and the investment was done in 2013 before the commencement of the said project and the Authority has no jurisdiction to decide the said complaint. The applicant further request that the execution petition filed by the complainant /DH before the Adjudication officer may be stay.</li><li>2. The Authority observes that section 39 deals with the <i>rectification of orders</i> 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, <b>rectification cannot be</b> allowed in two cases, <i>firstly</i>, orders against which appeal has been preferred, <i>secondly</i>, to</li></ol>		



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MA/61/2025/CR/210/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

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:*

*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."*

3. Since the present application involves the issue of the complainant was a partner and investor in the said complaint and the investment was done in 2013 before the commencement of the said project and the Authority has no jurisdiction to decide the said complaint.

Accordingly, the said application is not maintainable being covered under the exception mentioned in 2<sup>nd</sup> proviso to section 39 of the Act, 2016.

4. Further, a reference in this regard may be made to the ratio of law laid down by the Haryana Real Estate Appellate Tribunal in case of **Municipal Corporation of Faridabad vs. Rise Projects vide appeal no. 47 of 2022**; decided on 22.04.2022 and wherein it was held that the Authority is not empowered to review its orders.
5. Thus, in view of the legal position discussed above, there is no merit in the application dated 23.01.2025 filed by the respondent for rectification of order dated 16.02.2024 passed by the Authority and the same is hereby declined.
6. Rectification application stands disposed of. File be consigned to registry.

(Ashok Sangwan)  
Member

(Arun Kumar)  
Chairman  
11.03.2025

V.I. 3  
(Vijay Kumar Goyal)  
Member