



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

PROCEEDINGS OF THE DAY

47

Day and Date

Thursday and 03.04.2025

Complaint No.

MA NO. 173/2025 in CR/1528/2021 Case titled as HEMALI SHARMA VS HOMETOWN PROPERTIES PVT. LTD.

Complainant

HEMALI SHARMA

Represented through

Ms. Smriti Advocate

Respondent

HOMETOWN PROPERTIES PVT. LTD.

Respondent Represented

Shri Gulshan Sharma Advocate

Last date of hearing

Appl. u/s 39 of the Act

Proceeding Recorded by

Naresh Kumari and HR Mehta

Proceedings-cum-order

The present matter was disposed of vide order dated 16.01.2024. The counsel for the respondent has filed an application dated 28.02.2025 under section 39 of the Act, 2018 seeking rectification of order/judgment dated 16.01.2024, vide which Authority had directed the respondent to pay delay possession interest to the complainant against the paid up- amount of Rs, 35,46,174/- @ interest 11.10% per annum from date of revival of unit till expiry of two months from date of offer of possession.

The respondent contended that the complainant had only paid Rs. 28,10,998/- with the remaining balance still outstanding as Rs.7,35,176/- is the delay penalty paid by the complainant.

The Authority observes that, as per the letter dated 10.02.2020 annexed by the complainant to the complaint, the respondent had revived the unit of the complainant upon receipt of an amount of Rs. 18,34,243/-. In the said letter, the complainant had explicitly emphasized that the aforesaid payment should be treated as full and final settlement concerning the unit. Furthermore, it is also noted that the respondent has not challenged this assertion in any of the proceedings before the Authority.



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MANE 173/2025 In CA 1528/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

In view of the facts and circumstances of the case, the relief sought by the respondent would materially alter the substantive nature of the order. However, it is pertinent to note that the Authority, under Section 39 of the Act, is empowered solely to rectify errors apparent on the face of the record. Therefore, the present application is not maintainable and is accordingly dismissed.

File to be consigned to registry.

V. I. S.
Vijay Kumar Goyal
Member
03.04.2025