

PROCEEDINGS OF THE DAY
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Day and Date	Tuesday and 18.03.2025
Complaint No.	MA NO. 913/2024 in CR/586/2023 Case titled as Rahul Soni VS Ansal Housing Limited & Samayak Projects Private Limited
Complainant	Rahul Soni
Represented through	Shri Gaurav Rawat Advocate
Respondent	Ansal Housing Limited & Samayak Projects Private Limited
Respondent Represented through	None for R1 Ms. Sanya Arora Advocate for R2
Last date of hearing	21.01.2025/ appl. u/s 39 of the Act
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The above-mentioned matters were heard and disposed of vide joint order dated 22.12.2023 wherein the Authority passed the following direction:

- The respondent is directed to pay interest at the prescribed rate of 10.85% p.a. for every month of delay from due date of possession i.e., 01.10.2017 till the offer of possession plus two months or handing over of possession after receipt of OC whichever is earlier.*

The respondent no. 2 has filed an application for rectification of order dated 22.12.2023 under section 39 of the Act, 2016 regarding the clarification w.r.t directions made by the authority against which respondent to pay delay possession charges.

The respondent no. 2 prayed to hold only respondent no. 1 accountable to DPC on the amount paid and to stay the execution proceedings against respondent no. 2.

On last date of hearing dated 24.12.2024 one last opportunity was granted to the complainant to file the reply. Till date no reply has been filed.



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

The counsel for the complainant clarifies that both the parties i.e. R1 and R2 are confirming party to the BBA and hence both the are jointly and severally responsible and accordingly have been impleaded; while passing the order, both the respondents are impliedly responsible for the direction passed in the order.

It is observed that, at the present stage the respondent no. 2 does not have a locus to file an application under section 39 of the Act, 2016. Moreover, the said section pertains to rectification of an error apparent from record and does not provide for any 'clarification' as such. Further, unless otherwise specified or the specific wording of the order suggests a different intention, the term "respondent" without specifying a particular respondent would apply to all the named respondents in the case.

Ordered accordingly. The file be consigned to registry.

Ashok Sangwan
Member

Arun Kumar
Chairman
18.03.2025

Vijay Kumar Goyal
Member