



**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**

**57**

Day and Date	Tuesday and 18.03.2025
Complaint No.	MA NO. 909/2024 in CR/4832/2022 Case titled as Vikram Sekhri VS Ansal Housing & Construction Limited
Complainant	Vikram Sekhri
Represented through	Shri Gaurav Rawat Advocate
Respondent	Ansal Housing & Construction Limited
Respondent Represented	Ms. Sanya Arora Advocate
Last date of hearing	21.01.2025/application u/s 39 of the Act
Proceeding Recorded by	Naresh Kumari and HR Mehta

**Proceedings-cum-order**

The above-mentioned matters were heard and disposed of vide joint order dated 26.07.2023 wherein the Authority passed the following direction:

- The respondent is directed to handover the actual physical possession of the unit to the complainants within 2 months from the date of this order and pay interest at the prescribed rate of 10.75% p.a. for every month of delay from the 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 26.07.2023 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 the copy of the said rectification application has been sent to Ms. Priyanka Agarwal Advocate by respondent no.2 whereas the counsel for respondent no.2 informed the authority that no instructions have been received by her to appear in the present matter from the complainant





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MAN/909/2024/h CR/4832/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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since the complaint has already been disposed of. The authority observes that the copy of the said application has been forwarded only to Advocate of complainant but not to the complainant, therefore, the complainant has not appeared in this matter for the last two dates. Accordingly, the respondent no.2 is directed to compete the service of the aforesaid application to the complainant before the next date of hearing.

The counsel 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.

**Findings of the authority:**

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