

PROCEEDINGS OF THE DAY		71
Day and Date	Wednesday and 09.07.2025	
Complaint No.	MA NO. 402/2025 in CR/8076/2022 Case titled as Asish Mittal and Monika Mittal VS Imperia Wishfiled Private Limited	
Complainant	Asish Mittal and Monika Mittal	
Represented through	Shri Gaurav Rawat Advocate	
Respondent	Imperia Wishfiled Private Limited	
Respondent Represented	Shri Shubham Mishra Advocate	
Last date of hearing	Application u/s 39 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings-cum-order		
<p>The above-mentioned matter was a part of bunch matter and was heard and disposed of vide order dated 05.07.2023 wherein, the Authority had directed the respondent to refund the paid-up amount received by it along with prescribed rate of interest from the date of date of each payment till its realization.</p> <p>The respondent has filed an application for rectification of order dated 05.07.2023 stating that the complainant has paid and claimed only an amount of Rs.7,38,169/- which has been noted in the final order dated 05.07.2023 as Rs.29,52,278/- due to clerical error. The proceedings dated 05.07.2023 has correctly recorded the principal amount paid by the complainants as Rs.7,38,169/-, however, there exists clerical error on page 4 of the final order, wherein, the amount paid by the complainants is mistakenly stated as Rs.29,52,278/-.</p> <p>The respondent has further submitted that the complainants have been consistently acknowledged and reiterated the total amount paid by them as Rs.7,38,169/-, both in the original complaint and in the execution petition. The recovery certificate that has been issued reflects a substantially inflated amount of Rs.56,46,423/- i.e. principal amount of Rs.29,52,278/-, as reflected on page 4 of final order, along with interest component of Rs.26,94,145/- calculated on the said principal amount. The recovery certificate issued by the Adjudicating Officer is in consonance with the final order pronounced in the matter, wherein the principal amount has been erroneously recorded as Rs.29,52,278/-.</p>		



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**HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM**

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MA No. 402/2251nCR/8076/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

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. 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."

As per the record, the complainants have only made a payment of Rs.7,38,169/- to the respondent towards the unit in question, but the same has been inadvertently mentioned as Rs.29,52,278/- in the final order dated 05.07.2023, due to typographical error.

As the rectification filed by the respondent is clerical in nature, the same is being allowed.

The respondent has sought further rectification with respect to reflect the actual area of project as 4 acres in the final order dated 05.07.2023. The Authority observes that as per the DTCP website, the total licenced area of the project in question is shown as 2 acres only. Thus, the said rectification sought by the respondent is declined.

This order shall be read as part and parcel of the final order dated 05.07.2023.

Rectification application stands disposed of. File be consigned to registry.

Ashok Sangwan
Member
09.07.2025