

PROCEEDINGS OF THE DAY		14
Day and Date	Friday and 04.07.2025	
Complaint No.	CR/7769/2022 Case titled as Usha Mohan VS NEO Developers Private Limited	
Complainant	Usha Mohan	
Represented through	Shri Harshit Goyal Advocate	
Respondent	NEO Developers Private Limited	
Respondent Represented	Shri Gunjan Kumar Advocate	
Last date of hearing	02.05.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings-cum-order		
<p>The present complaint was disposed of vide order dated 22.03.2024 and the respondent was directed to pay arrears of assured return at agreed rate to the complainant till leasing of the unit.</p> <p>The respondent has filed an application for rectification of order on 19.06.2024 and asked the following reliefs:</p> <ul style="list-style-type: none">• The complainant has an outstanding dues of Rs. 13,88,971/- that should also be adjusted in detail order. <p>Reply to the said application on behalf of complainant was filed on 07.02.2025.</p> <p>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. 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, rectification cannot be allowed in two cases, <i>firstly</i>, orders against which appeal has been preferred, <i>secondly</i>, to amend substantive part of the order. The relevant portion of said section is reproduced below.</p>		
Section 39: Rectification of orders		



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण गुरुग्राम

CR/7769/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

"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."

Since the present application involves amendment of substantive part of the order by seeking relief of adjustment of outstanding amount, this would amount to review of the order. Accordingly, the said application is not maintainable being covered under the exception mentioned in 2nd proviso to section 39 of the Act, 2016.

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.

Thus, in view of the legal position discussed above, there is no merit in the application dated 19.06.2024 filed by the respondent for rectification of order dated 22.03.2024 passed by the authority and the same is hereby declined. File be consigned to the registry.

Arun Kumar
Chairman
04.07.2025