



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		8
Day and Date	Wednesday and 16.07.2025	
Complaint No.	MA NO. 242/2025 in CR/1079/2024 Case titled as Aman Malhotra VS Sunrays Heights Private Limited	
Complainant	Aman Malhotra	
Represented through	Shri Vijay Pratap Singh Advocate	
Respondent	Sunrays Heights Private Limited	
Respondent Represented	Shri Tushar Behmani Advocate	
Last date of hearing	09.07.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings-cum-order		
<p>1. The aforementioned complaint was disposed of by this Authority vide order dated 16.04.2025, wherein the Authority directed the respondent to pay delay possession charges to the complainant against the paid-up amount at the prescribed rate of 11.10% p.a. for every month of delay from the due date of possession, i.e., 16.03.2021 till the date of offer of possession plus two months or actual handover, whichever is earlier, as per Section 18(1) of the Act of 2016 read with Rule 15 of the Rules, 2017. The detailed order pertaining to this matter was duly uploaded on the official website of the Authority on 11.09.2024.</p> <p>2. The complainant has filed an application bearing MA No. 424/2025 dated 20.05.2025 for rectification of the said order stating that in para 3 of the order dated 16.04.2025 ,the total amount paid by the complainant had been inadvertently recorded to be Rs.18,23,493/- instead of Rs.24,98,493/-. It is further submitted that the amount paid by the complainant is Rs.24,98,493/- was confirmed and mentioned by the Authority in its proceedings of the day dated 09.10.2024. The relevant part of proceedings of the day dated 09.10.2024 is reiterated as under:-</p> <p>".....</p> <p><i>The total sale consideration of the flat was Rs.25,00,790/- and</i></p>		



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MA No 242/2025 in CR/10-19/2024

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

the complainant had paid an amount of Rs.24,98,493/- (exclusive of tax) as and when the demands were raised by the respondent/non-applicant. The only last demand which is not yet raised by the respondent is pending."

3. The Authority observes that the statement mentioned by the Authority in its proceedings of the day dated 09.10.2024 was extracted by the Authority from the application filed by the complainant under Section 36 of the Act, 2016 on 13.09.2024, and constitutes merely a pleading advanced by the complainant. The Authority has not rendered any finding or observation affirming that the complainant has paid an amount of Rs.24,98,493/- to the respondent vide said proceedings. Accordingly, the said averment of the complainant is rejected in its entirety.
4. Perusal of case file reveals that the complainant had pleaded at page no. 09 of his amended Annexure-I to Form-CRA dated 06.09.2024 that he paid an amount of Rs.24,98,493/- to the respondent.
5. The amount paid by the complainant has been taken by the Authority from payment detail report dated 31.07.2024 to be Rs.18,23,493/- at page no. 49 of the reply. However, a bank statement had also already been placed on record by the complainant at page no. 18-19 of his complaint confirming the further payment of Rs.6,75,218/- to the respondent. Thus, total amount paid by the complainant amounts to Rs.24,98,493/-. Same is a material irregularity which was omitted to be considered by the Authority in its detailed order dated 16.04.2025. Thus, same is a mistake apparent on record and does not constitute amendment of substantive part of order dated 16.04.2025 under Section 39 of the Real Estate (Regulation and Development) Act, 2016. Section 39 of the Real Estate (Regulation and Development) Act, 2016 is reproduced below for ready reference:

"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



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substantive part of its order passed under the provisions of this Act."

6. Accordingly, the said application dated 23.05.2025 filed by the respondent for rectification of order dated 16.04.2025 is held to be maintainable to the extent of amount paid by the complainant to the respondent, being covered under the ambit of Section 39 of the Act, 2016, ibid.
7. **Application allowed.** The amount paid by the complainant to the respondent in para no. 3 of the order dated 16.04.2025 shall be read as Rs.24,98,493/- in CR/1079/2024 and shall form part of the main order dated 16.04.2025.
8. Rectification application stands disposed of. File be consigned to the registry.

Ashok Sangwan
Member
16.07.2025