

PROCEEDINGS OF THE DAY		65
Day and Date	Wednesday and 21.05.2025	
Complaint No.	MA NO. 323/2025 in CR/4465/2023 Case titled as Karam Singh VS Savyasachi Infrastructure Private Limited and M S Sharma Confectioners Pvt Ltd.	
Complainant	Karam Singh	
Represented through	Shri Gaurav Rawat Advocate	
Respondent	Savyasachi Infrastructure Private Limited and M S Sharma Confectioners Pvt Ltd.	
Respondent Represented	None	
Last date of hearing	Application u/s 39 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings-cum-order

1. The above-mentioned matter was heard and disposed of vide order dated 02.04.2025 wherein, the Authority has directed the respondent to refund the amount paid by the complainant along with an interest @ 11.10% p.a. as prescribed under Rule 15 of the Haryana Real Estate (Regulation and Development) Rules, 2017 from the date of each payment till the actual date of refund of the deposited amount.
2. Subsequently, the **applicant-respondent has filed an application dated 18.04.2025, for rectification of the said order dated 02.04.2025** under Section 39 of the Act, seeking rectification of amount paid by the complainant to be Rs.11,40,000/- instead of Rs.11,00,000/- on page no.2 of the detailed order in table at serial no.10 and on page no.15 of the detailed order in direction. It is further stated that the proof of payment is given on page no. 28 of the complaint, marked as annexure C-1.
3. Before proceeding with the matter, it would be appropriate to refer to the provisions of Section 39 of the Act, 2016 under which the present application has been preferred.

"Section 39: Rectification of orders



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

MANO 322/2025 IN CA/4465/2023

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."

4. The Authority is of the view that amount paid by the complainant had been inadvertently recorded to be Rs.11,00,000/- instead of Rs.11,40,000/- and same is evident from memorandum of understanding executed between the parties on 03.12.2021 placed on record by the complainant at page 28 of its complaint. Same is a mistake apparent on record and does not constitute amendment of substantive part of this order under Section 39 of the Real Estate (Regulation and Development) Act, 2016.
5. Therefore, the said application dated 18.04.2025 filed by the applicant-respondent for rectification of the said order dated 02.04.2025 is held to be maintainable being covered under the ambit of Section 39 of the Act, 2016, ibid. Hence, amount paid by the complainant written at para 2(10), para 13 and at para 26(I) of the said order shall now be read as Rs.11,40,000/-.
6. Application is allowed. This order shall be read as part and parcel of final order dated 02.04.2025.

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

Ashok Sangwan
Member
21.05.2025