

PROCEEDINGS OF THE DAY			21
Day and Date		Wednesday and 21.05.2025	
Complaint No.		MA NO. 231/2025 in CR/5029/2023 Case titled as Monika Roy Sanyal and Saurav Kumar Sanyal VS ATS Real Estate Builders Private Limited	
Complainant		Monika Roy Sanyal and Saurav Kumar Sanyal	
Represented through		Shri Ravinder Sharma proxy counsel	
Respondent		ATS Real Estate Builders Private Limited	
Respondent Represented		Ms. Shivani Dang Advocate	
Last date of hearing		Application u/s 39 of the Act	
Proceeding Recorded by		Naresh Kumari and HR Mehta	
<b>Proceedings-cum-order</b>			
<p>1. The above-mentioned matter was heard and disposed of vide order dated <b>18.09.2024</b>. In the order dated 18.09.2024, the Authority had directed the respondent i.e., M/s. ATS Real Estate Builders Private Limited to pay interest at the prescribed rate of 11.10% p.a. for every month of delay from the due date of possession i.e., 05.10.2019 till the offer of possession plus two months or handing over of the possession after obtaining the Occupation Certificate, whichever is earlier.</p> <p>2. The complainant has filed an application for rectification of order dated 18.09.2024 stating that the physical possession of the unit has not been handed over to the complainant and the same has been recorded in the proceedings dated 04.09.2024 but the directions with respect to handing over of possession of the unit to the complainant has not been granted in the order dated 18.09.2024. The complainant is seeking rectification in para 26(i) of the order dated 18.09.2024 stating that since physical possession of the unit has not been handed over and the Authority has already issued notice on this aspect, "<b>whichever is earlier</b>" in the below mentioned para</p>			

may be rectified to "**whichever is later**". Para 26(i) of the order is reproduced below:

*"(i) The respondent is directed to pay interest at the prescribed rate of 11.10% p.a for every month of delay on the amount paid by the complainants from the due date of possession i.e., 05.10.2009 till actual handing over of possession or offer of possession plus 2 months after obtaining the occupation certificate from the competent authority, whichever is earlier, as per section 18(1) of the Act of 2016 read with rule 15 of the rules."*

3. 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."*

4. The Authority is of the view that the relief regarding the delayed possession charges has already been dealt by the Authority in detail in the Order dated 18.09.2024. Therefore, no further question w.r.t. due date of possession and delayed possession charges arises. Further, this Authority cannot re-write its own order and lacks the jurisdiction to review its own order as the matter in issue has already been heard and decided by this Authority. Further, it is hereby clarified that besides payment of delayed possession interest in terms of the above order, the respondent is required to hand over the physical possession of the unit after obtaining of occupation certificate/CC/part CC from the competent authority and, the complainant is obligated to take the possession within 2 months as per Section 19 (10)



**HARERA**  
**GURUGRAM**

**HARYANA REAL ESTATE REGULATORY AUTHORITY**  
**GURUGRAM**

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

MA No 231/2025 In CR/2029/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

of the Act, 2016. Thus, the respondent is directed to handover the possession of the unit within a period of 30 days of this order.

The said orders shall be read as part of the main order dated 18.09.2024.

The application is disposed of. File be consigned to registry

Ashok Sangwan  
Member  
21.05/2025