

PROCEEDINGS OF THE DAY		45
Day and Date	Thursday and 01.05.2025	
Complaint No.	MA NO. 335/2024 in CR/5675/2022 Case titled as Gursharan Kaur Chada VS Signature Global Private Limited	
Complainant	Gursharan Kaur Chada	
Represented through	None	
Respondent	Signature Global Private Limited	
Respondent Represented through	Ms Varsha Singh, Advocate with Shri Amarjeet Singh, AR	
Last date of hearing	06.03.2025	
Proceeding Recorded by	H.R.Mehta	

Proceedings-cum-order

The matter was already heard was disposed off by the Authority vide order dated 21.09.2023. Later, the complainant filled an application on 30.05.2024 seeking rectification in the said order. In the application, the complainant seeking amendment in order dated 21.09.2023 with prayer to direct the respondent to pay delayed possession charges until the actual date of possession, to pay Rs.5,00,000/- as compensation for mental harassment, and to offer possession of the subject unit.

However, it is noted that the respondent has already filed an appeal against the said order dated 21.09.2023 before the Hon'ble H-REAT vide appeal no. 883 of 2024 and the case is listed for hearing on 28.03.2025.

As per the first proviso of Section 39 of the Act, 2016, no amendment can be made where an appeal has been preferred. The relevant portion of the section is reproduced below:

*39. 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:*



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम


MA No. 335/2024 in CR/5645/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

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.

Hence, in view of above since an appeal is already pending and the amendment sought are beyond the scope of Section 39, the application cannot be considered and is dismissed. Application stands disposed of. File be consigned to the registry.

V.1 
Vijay Kumar Goyal
Member
01.05.2025