

PROCEEDINGS OF THE DAY		38
Day and Date	Friday and 16.05.2025	
Complaint No.	MA NO. 290/2025 in CR/87/2019 Case titled as Dhiraj Chawla VS Godrej Projects Development Private Limited	
Complainant	Dhiraj Chawla	
Represented through	Shri Deeptanshu Jain Advocate	
Respondent	Godrej Projects Development Private Limited	
Respondent Represented	Shri Vishal Rathore proxy counsel	
Last date of hearing	Application u/s 39 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
<b>Proceedings</b>		
<p>The counsel for the complainant stating that the present application is being filed by the Complainant under section 39 of the Real Estate (Regulation and Development) Act, 2016, seeking rectification and amendment of the order dated 26.05.2023.</p> <ol style="list-style-type: none"><li>1. That the Authority, vide its order dated 26.05.2023, was pleased to allow the complaint and directed only respondent No. 2 to refund the entire amount paid by the Complainant along with interest. That while passing the aforesaid order, this Authority has inadvertently failed to consider or render any observation or finding on the specific contentions raised by Respondent No. 1 in its reply to the complaint.</li><li>2. That due to the said inadvertent omission, the order has directed only Respondent No. 2 to refund the amount, without adjudicating upon or recording any finding regarding the liability of Respondent No. 1.</li><li>3. That the complainant most respectfully submits that both Respondent No. 1 and Respondent No. 2 are jointly and severally liable to refund the amount paid by the Complainant, along with applicable interest, as per the facts and circumstances of the case.</li></ol>		



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

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

MA No 2910/2025 In CA/87/2019

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

4. In view of the above, the complainant prays that the Authority may be pleased to rectify and amend the order dated 26.05.2023 to the extent of directing Respondent No. 1, jointly and severally with Respondent No. 2, to refund the entire amount paid by the Complainant along with interest, in the interest of justice and equity.

Arguments heard.

In view of the facts stated above and arguments advanced by the parties during the course of hearing dated 16.05.2025, 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. However, **rectification cannot be** allowed in two cases, *firstly*, orders against which appeal has been preferred, *secondly*, to amend substantive part of the order. 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."***

Since the present application involves amendment of substantive part of the order by seeking specific direction to rectify and amend the judgment dated 26.05.2023 to the extent of directing Respondent No. 1, jointly and severally with Respondent No. 2, to refund the entire amount paid by the Complainant along with interest. Accordingly, the said application is disallowed being covered under the exception mentioned in 2<sup>nd</sup> 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





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22.04.2022 and wherein it was held that the authority is not empowered to review its orders.

In light of the aforesaid circumstances, the rectification application stands dismissed accordingly. File be consigned to registry.

Ashok Sangwan  
Member  
16.05.2025