

<b>PROCEEDINGS OF THE DAY</b>		<b>95</b>
Day and Date	Tuesday and 05.08.2025	
Complaint No.	MA NO. 220/2025 in CR/6063/2022 Case titled as Sumit Verma and Kusum Verma VS KPDK Buildtech Private Limited	
Complainant	Sumit Verma and Kusum Verma	
Represented through	Shri Kanish Bangia Advocate	
Respondent	KPDK Buildtech Private Limited	
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**

The aforesaid complaint was disposed of vide order dated 29.10.2024 of the authority wherein the complainant was held entitled for DPC along with prescribed rate of interest. An application dated 19.03.2025 was filed by the respondent for rectification of order dated 29.10.2024.

The counsel for the respondent states that in the present case, the possession has been offered as well as conveyance deed of the unit has been executed. It had agreed between the parties as per the conveyance deed that n claim shall lie against vendor. The respondent further states that complainant failed to take possession of the unit, they are liable to pay the accumulated maintenance charges, holding charges and charges for non-operational.

The counsel for the complainant states that the complainant has filed an appeal bearing No.378 of 2025 before the Hon'ble Tribunal against the orders of the Authority.

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



**HARERA**  
**GURUGRAM**

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

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम  
CR/6063/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

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."*

The proviso to Section 39 of the Act, 2016 makes it clear that once an appeal is pending against an order, no rectification can be carried out in respect of such order by the Authority.

The application stands dismissed. File be consigned to the registry.

Ashok Sangwan  
Member

Arun Kumar  
Chairman  
05.08.2025