

PROCEEDINGS OF THE DAY		94
Day and Date	Tuesday and 19.08.2025	
Complaint No.	MA NO. 431/2025 in CR/3933/2021 Case titled as Yogesh Yadav and Neelam Yadav VS Elan Buildcon Private Limited	
Complainant	Yogesh Yadav and Neelam Yadav	
Represented through	Shri Gaurav Rawat Advocate	
Respondent	Elan Buildcon Private Limited	
Respondent Represented	Shri Ishaan Dang Advocate	
Last date of hearing	Application under section 39 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings-cum-order

The complainant filed an application under Section 39 of the Act, 2016 seeking rectification in complaint no. 3933/2022, disposed off vide order dated 11.02.2025. Through the present application, the complainant prays for rectification of the order with respect to liability for payment of maintenance charges, submitting that such liability should commence from the date of handing over of physical possession instead of the date of intimation letter i.e., 22.05.2023, as recorded in para 22 of the said order.

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.



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/3933/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

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 substituting the date of commencement of maintenance charges, it would amount to a review of the matter on merits, which is not permissible under Section 39 of the Act, 2016

Thus, in view of the legal position discussed above, there is no merit in the application dated 23.05.2025 filed by the complainant for rectification in order dated 13.01.2023 passed by the Authority and the same is hereby declined.

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

Ashok Sangwan
Member

Arun Kumar
Chairman
19.08.2025