

PROCEEDINGS OF THE DAY		21
Day and Date	Tuesday and 02.09.2025	
Complaint No.	MA NO. 155/2025 in CR/819/2020 Case titled as R P Singh VS Supertech Limited	
Complainant	R P Singh	
Represented through	Shri K.K. Kohli Advocate	
Respondent	Supertech Limited	
Respondent Represented	Shri Dushyant Tewatia proxy counsel	
Last date of hearing	12.08.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

### Proceedings-cum-order

The complainant has filed an application for rectification under section 39 of the Act, 2016. The content of the application reproduced below:

1. The said matter has already been decided by the Authority on 31.08.2021. The Authority passed an order directing the respondent to refund the entire amount of Rs. 30,90,534/-, along with interest at a rate of 9.3% per annum from the date of each payment until the full amount is paid to the complainant. Additionally, the respondent was burdened with a cost of Rs. 1,00,000/- to be paid to the complainants.
2. That the Authority in the matter of **Kanika Sharma Versus Supertech Limited in Cr no. 15 of 2018** has taken a decision on a rectification for change/amendment/inclusion of name of the respondents vide order dated 23.04.2024 wherein the Authority has said that M/s Sarv Realtors Pvt. Ltd./ DSC and others are bound to follow the order of the Authority along with Supertech as they are liable for all the assets and liabilities of Supertech Ltd. in connection to project Supertech Azalia and Supertech Hues.
3. That as stated in the said order, The Authority took Suo-Motu Cognizance on a complaint filed by PNB Housing Finance Ltd. against Supertech Limited, for violating the provisions of the Act, 2016 where all the assets and liabilities whatsoever in nature, in the project "Supertech Hues and

- Azalia" in the name of Supertech Ltd. be shifted to Sarv Realtors Pvt. Ltd./DSC & Others.
4. The Authority then observed that in view of the same M/s Sarv Realtors Pvt. Ltd./DSC are bound to follow the order of the Authority along with Supertech Ltd. as they are liable for all assets and liabilities of Supertech Ltd. in connection to project Supertech Hues.
  5. That the complainant therefore prays for rectification/ addition/ amendment of name of the respondent Supertech Ltd. to include the name of M/s Sarv Realtors Pvt. Ltd./DSC Estates Developers Pvt. Ltd. & Others in the order dated 31.08.2024 who as per the orders of the Authority are bound to follow the order of the Authority along with Supertech Ltd. as they are liable for all the assets and liabilities of Supertech Ltd. in connection with Supertech Hues.

The Authority observes that section 39 deals with the rectification of orders which **empowers the Authority to make rectification within a period 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."*

In the present matter, the complainant has sought the rectification of change/amendment of name of the respondent Supertech Limited to of M/s Sarv Realtors Pvt. Ltd. as respondent. The rectification sought by the complainant is not a mistake apparent from the record and therefore the Authority cannot amend its own order and allow the rectification.





HARERA  
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY  
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/213/2020

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह सिविल लाइन्स गुरुग्राम हरियाणा

However, the authority took suo-motu cognizance on a complaint filed by PNB Housing Finance Ltd. against Supertech Limited, for violating the provisions of The Real Estate (Regulation and Development) Act, 2016. Where all the assets and liabilities whatsoever in nature, in the project "Supertech Hues and Azalia" in the name of Supertech Ltd. be shifted to Sarv Realtors Pvt. Ltd./DSC and others. The relevant portion of the said order is reproduced here:

*vi. All the assets and liabilities including customer receipts and project loans of whatsoever nature, in the Project "Supertech Hues and Azalia" in the name of Supertech Ltd. be shifted to Sarv Realtors Pvt. Ltd./DSC and others. However, even after the rectification, Supertech Ltd. will continue to remain jointly responsible for the units marketed and sold by it and shall be severally responsible if Sarv Realtors Pvt. Ltd./DSC and others fail to discharge its obligations towards the allottees.*

The Authority further observes that vide registration bearing no.182 of 2017 dated 04.09.2017 valid upto 31.12.2021 for License bearing no. 106-107 of 2013, 89 of 2014 and 134-136 of 2014 issued by the Department of Town and Country Planning, Haryana for an area 32.83 acres Group Housing Colony ("Hues Towers- A,B,E,F,G,H,M,N,K,T,V,W,O,P,C and D and Azalia Towers T-1,T-2,T-3,T-4,T- 5,T-6 & T-7) situated in Village Badshapur, Sector 68 are registered with the Authority.

In view of the same M/s Sarv Realtors Pvt. Ltd. /DSC and others are bound to follow the order of the authority along with Supertech Ltd. as they are liable for all the assets and liabilities of Supertech Ltd. in connection to project Supertech Azalia and Supertech Hues.

This order be read with and in continuation of order dated 31.08.2021 passed by the Authority. File be consigned to registry.

Ashok Sangwan  
Member

Arun Kumar  
Chairman  
02.09.2025