

PROCEEDINGS OF THE DAY		64
Day and Date	Tuesday and 09.09.2025	
Complaint No.	MA NO. 495/2025 in CR/1256/2022 Case titled as Manmohan Arora VS GREEN HEIGHT PROJECT PRIVATE LIMITED	
Complainant	Manmohan Arora	
Represented through	Ms. Harshita Setia proxy counsel	
Respondent	GREEN HEIGHT PROJECT 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 above-mentioned matter was heard and disposed off along with 8 others vide order dated 28.05.2024, wherein the lead case dealt was CR/1392/2022. Subsequently, the applicant-complainant filed an application dated 30.06.2025 seeking rectification of the order dated 28.05.2024 under Section 39 of the Act. On last date of hearing the respondent submitted an application apprising the Authority that an appeal is pending before the Hon'ble Appellate Tribunal against the said order and, therefore, no rectification can be allowed at this stage.

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
MA No. 495/2025/14 CR/1256/2022

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 respondent has already preferred an appeal under Section 44 of the Act, 2016, before the Hon'ble Appellate Tribunal, bearing Appeal No. H-REAT-503-2024, against the order dated 28.05.2024. 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.

Accordingly, the application seeking rectification of the order dated 28.05.2024 stands dismissed. File be consigned to the registry.

Ashok Sangwan
Member

V.I. 3
Vijay Kumar Goyal
Member
09.09.2025