



HARERA
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HARYANA REAL ESTATE REGULATORY AUTHORITY
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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

PROCEEDINGS OF THE DAY		71
Day and Date	Thursday and 13.11.2025	
Complaint No.	MA NO. 478/2025 in CR/4355/2023 Case titled as Madhu Ahuja and Rajeev B Ahuja VS Vatika Limited	
Complainant	Madhu Ahuja and Rajeev B Ahuja	
Represented through	Shri Abhijeet Gupta and Ms. Tulna Rampal Advocates	
Respondent	Vatika Limited	
Respondent Represented	Ms. Ankur Berry Advocate	
Last date of hearing	Appl. u/s 39 of the Act/25.9.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings-cum-order The present application for rectification dated 20.06.2025 was filed by the complainants in the complaint bearing no. 4355 of 2023 which was disposed of vide order dated 27.03.2025, and reply to the application for rectification was received on 17.09.2025. Firstly, the complainants in their rectification application applied for rectification in case title i.e., <i>“Madhu Ahuja and Rajeev B. Ahuja Vs Vatika Limited”</i> which was incorrectly recorded as <i>“Madhu Ahuja and Rejeev B. Ahuja Vs M/s Vatika Limited”</i>. Also, as per proforma ‘B’ as well as memo of parties in the complaint, the case title is named as <i>“Madhu Ahuja and Rajeev B. Ahuja Vs Vatika Limited”</i>. In view of the above the request of the following rectification is directed to be made in the detailed order dated 27.03.2025:		
Sr. No.	As stated in detailed order dated 27.03.2025 at table page no.1 as well as at page no.3 and para 6 at	To be rectified



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MA- 478/2025 in CR- 4355/2023

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	page no.4	
1.	Madhu Ahuja and Rejeev B. Ahuja Vs M/s Vatika Limited	Madhu Ahuja and Rajeev B. Ahuja Vs Vatika Limited

Therefore, in view of section 39 read with section 38(2) of the Real Estate (Regulation and Development) Act, 2016 as the error is only clerical in nature and rectification of the case title in the detailed order dated 27.03.2025 is allowed.

Secondly, the **relief no. ii** prayed in complaint as mentioned i.e., **Restrain the respondent from charging any amount towards the alleged maintenance charges**, has not considered and subsequently not awarded by the Hon'ble Authority:

"H.II Restrain the respondent from charging any amount towards the alleged maintenance charges.

The complainants are seeking direction to restrain the respondent from charging any amount in lieu of maintenance charges, as a demand was raised by M/s Enviro Integrated Facility Services Private Limited for payment of Rs.6,07,307/- dated 07.01.2023.

Upon consideration, this Authority observes that no demand for maintenance charges has been raised by the respondent-promoter in the present matter. The said demand has been issued by M/s Enviro Integrated Facility Services Private Limited, which is not a party to these proceedings. Thus, the authority cannot deliberate upon the said relief."

The counsel for the complainant has mentioned that in the case in the case of **Harjan Singh Cheema and Anr Vs. M/s Vatika Limited** via complaint no. **RERA-GRG-957-2024** and **Rishi Muni Bhardwaj Vs. Vatika Limited** via complaint no. **RERA-GRG-4639-2023**, wherein the facts and circumstances were similar the **Hon'ble Authority** observed the following as reproduced under:

"Upon consideration, this Authority observes that no demand maintenance charges has been raised by the respondent in the present matter. The said demand has been issued by Enviro Integrated Facility Services Private Limited, which is not a party to these proceedings. However, it is pertinent to note that, as per Section 11(4)(g) of the Haryana Real Estate (Regulation and Development) Act, 2016, the promoter is responsible for paying all outgoings, including maintenance charges, until the physical possession of the real estate project is transferred to the allottee or the



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association of allottees. Since the respondent has not obtained the occupation certificate for the project, the imposition of maintenance charges is not permissible under the prevailing legal standards".

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 reviewing the findings for relief no. ii (i.e., H.II) already decided by the Authority. Further this would be amounting to review of the said order. Accordingly, the said application is not maintainable being covered under the exception mentioned in 2nd 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 22.04.2022 and wherein it was held that the authority is not empowered to review its orders.

Thus, in view of the legal position discussed above, there is no merit in the application dated 20.06.2025 filed by the complainant for rectification w.r.t



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relief no.ii prayed in complaint as mentioned i.e., Restrain the respondent from charging any amount towards the alleged maintenance charges has not considered and subsequently not awarded by the Hon'ble Authority in detailed order dated 27.03.2025 and the same is hereby declined.

Application stands **partly allowed** and the same shall form part of main order dated 27.03.2025.

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


P.S. Saini
Member
13.11.2025