



HARERA
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HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

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		1
Day and Date	Thursday and 30.10.2025	
Complaint No.	MA NO. 472/2025 in CR/1576/2023 Case titled as Gaurav Singhania VS Brahma City Private Limited	
Complainant	Gaurav Singhania	
Represented through	Mohd. Imran Advocate	
Respondent	Brahma City Private Limited	
Respondent Represented	S/Shri Pankaj Chandola and Dev Kumar Mandal Advocates	
Last date of hearing	order on appl. u/s 39 of Act/09.10.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
<p style="text-align: center;">Proceedings</p> <p>The present complaint was received on 10.04.2023 and was disposed of vide order dated 12.09.2024 vide which the respondent was directed to refund the entire amount paid by the complainant along with interest @ 11.10% p.a.</p> <p>The counsel for the complainant has filed an application dated 17.06.2025 u/s 39 of the Act, 2016. The complainant contended that in the order dated 12.09.2024 the duration for commutation of the interest is not mentioned. Hence, seeking rectification of the aforementioned order.</p> <p>However, upon perusal of detailed order, particularly para 45 (I), the authority has directed interest @ 11.10% as per provisions of section 18 (1) of the Act read with rule 15 of rules, 2017. In this matter, the complainant requested to withdraw from the project on 24.01.2023 and subsequently, the unit was terminated on 17.07.2023.</p> <p>Arguments on the application heard.</p> <p>The Authority observes that the present application filed by the complainant u/s 39 of the Act is not maintainable in view of proviso of Section 39 of the Act, 2016 which provides that the Authority shall not, while rectifying any mistake apparent from the record, amend substantive part of its order</p>		



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MANO-472/2025 RCR/1576/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

passed under the provisions of the Act.”

The Section 39 of the Act ibid is reproduced as under:-

“The Authority may, under section 39, 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 the record, amend substantive part of its order passed under the provisions of the Act.”

In view of the above, the application under section 39 of the Act stands dismissed. File be consigned to the registry.

P.S. Saini
Member
30.10.2025