

PROCEEDINGS OF THE DAY
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Day and Date	Wednesday and 01.10.2025
Complaint No.	MA NO. 601/2025 in CR/4215/2024 Case titled as Sunil and Ritesh VS Ansal Housing and Construction Limited & Samyak Projects Private Limited
Complainant	Sunil and Ritesh
Represented through	Sh. Akshat Jain, proxy counsel
Respondent	Ansal Housing and Construction Limited & Samyak Projects Private Limited
Respondent Represented through	Ms. Approvi, Advocate for R2.
Last date of hearing	Application under Section 39
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings-cum-Orders

An application dated 25.08.2025, has been filed by the respondent no.2 i.e., M/s. Samyak Projects Pvt. Ltd for rectification of order dated 07.05.2025 under section 39 of the Act, 2016 passed by the Authority, wherein it is stated that in the order dated 07.05.2025, the Authority passed the order holding both the respondents no.1 &2 jointly and severally liable for payment of the interest to the complainant. The same appears to be an error in the judgment wherein the word "respondents" has been used instead of "respondent".

Before proceeding with the matter, it would be appropriate to refer to the provisions of Section 39 of the Act, 2016 under which the present application has been preferred.

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:



HARERA
GURUGRAM

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

MANO 001/2025 in 81421SP24

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."

The Authority observes that the present complaint was disposed of vide order dated 07.05.2025 and both the respondents were jointly and severally directed to pay interest at the prescribed rate of interest for every month of delay from the due date of possession i.e., 30.06.2021 till the date of valid offer of possession plus 2 months after obtaining the Occupation Certificate from the competent authority or actual handing over of possession, whichever is earlier, at the prescribed rate i.e., 11.10% p.a. as per proviso to Section 18(1) of the Act read with rule 15 of the rules. The above said directions were made after considering all the facts on record and taking them into consideration.

Further, the Authority cannot allow the above said rectification as sought by the respondent no.2 as it would amount to a substantial change in the order. Thus, the said rectification is not allowed.

In view of above, the application stands disposed off.

File be consigned to the registry.

Ashok Sangwan
Member
01.10.2025