

PROCEEDINGS OF THE DAY		61
Day and Date	Friday and 10.10.2025	
Complaint No.	MA NO. 600/2025 in CR/270/2022 Case titled as Rahul Rekhi VS Ansal Housing Limited & Samyak Projects Private Limited	
Complainant	Rahul Rekhi	
Represented through	Shri Anu Ruddha Advocate	
Respondent	Ansal Housing Limited & Samyak Projects Private Limited	
Respondent Represented	Ms. Yogita Malik proxy counsel for R1 Ms. Apoorvi Advocate for R2	
Last date of hearing	Application u/s 39 of the Act/3.10.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings cum order

The present complaint was disposed of vide order dated 15.09.2023. The Authority through said order directed the respondent to handover the physical possession of the unit along with interest at the prescribed rate of 10.75% p.a. for every month of delay from the due date of possession i.e., 14.12.2015 till the actual handing over of possession or receipt of OC plus two months whichever is earlier.

The Authority in the said order mentioned respondent no. 1 as Ansal Housing Ltd. and respondent no. 2 as Samyak Projects Pvt. Ltd at page 1 of the order.

The respondent no. 2 on 25.08.2025 has filed an application and states that the word "Respondent" has been used which does not clarify that it denotes the respondent no. 1 or respondent no. 2. Further states that in identical matters respondent no.2 has not been held liable. Hence, the respondent no. 2 should be deleted from the array of parties.

The authority observes that section 39 deals with the *rectification of orders* which empowers the authority to make rectification within a period of 2



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नका पी.डब्ल्यू.डी. विभाग गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

years from the date of order made under this Act. 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 deleting the respondent no. 2. The Authority at page 1 of the order dated 15.09.2023 specifically mentioned both the respondent which denotes that both the respondents are jointly and severally liable. 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 25.08.2025 filed by the complainant for rectification of order dated 15.09.2023 passed by the authority and the same is hereby **declined**.

File be consigned to the registry.

Arun Kumar
Chairman
10.10.2025