



PROCEEDINGS OF THE DAY

8

Day and Date	Wednesday and 15.10.2025
Complaint No.	MA NO. 587/2025 in CR/5669/2023 Case titled as Rajeev B Ahuja and Madhu Ahuja VS Vatika Limited
Complainant	Rajeev B Ahuja and Madhu Ahuja
Represented through	None
Respondent	Vatika Limited
Respondent Represented through	Ms. Shalini, Advocate
Last date of hearing	Application under Section 39
Proceeding Recorded by	H.R. Mehta and Kiran Chhabra

Proceedings-cum-order

1. The above-mentioned matter was heard and disposed of by the Authority vide order dated 22.01.2025, vide which the respondent was directed to refund the entire paid-up amount along with interest at the rate of 11.10% p.a. from the date of each payment till its realization. The respondent was further directed to adjust/deduct the amount paid by it towards assured return i.e. Rs.34,691.92/- to the complainants from the payable amount.
2. The counsel for the respondent has filed an application u/s 39 of the Act, 2016 for rectification of the order dated 22.01.2025, stating that the amount of assured return paid by the respondent to the complainant has been wrongly recorded as Rs.34,691.92/- and the correct amount ought to have been deducted from the refund payable is Rs.69,383.84/-.
3. 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



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
MANR 587/2025 IN CR/569/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

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."

4. The Authority is of the view that it has been inadvertently mentioned in the final order dated 22.01.2025 that the amount of assured return paid by the respondent to the complainant is Rs.34,691.92/- instead of Rs.69,383.84/-. Same is a mistake apparent on record and does not constitute amendment of substantive part of this order under Section 39 of the Real Estate (Regulation and Development) Act, 2016.
5. Accordingly, the said application dated 19.08.2025 filed by the respondent for rectification of order dated 22.01.2025 is held to be maintainable being covered under the ambit of Section 39 of the Act, 2016, ibid. Accordingly, the amount of assured return paid by the respondent to the complainant shall now be read as Rs.69,383.84/- instead of Rs.34,691.92/ in the order passed by the Authority dated 22.01.2025.
6. Application allowed. Same shall form part of the main order dated 15.03.2023.
7. Rectification application stands disposed of. File be consigned to registry.

Ashok Sangwan
Member
15.10.2025