



PROCEEDINGS OF THE DAY

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Day and Date	Wednesday and 15.10.2025
Complaint No.	MA NO. 558/2025 in CR/1034/2024 Case titled as Umesh Lata VS SS Group Private Limited
Complainant	Umesh Lata
Represented through	Sh. Jagdish Prasad Yadav, Advocate
Respondent	SS Group Private Limited
Respondent Represented through	Sh. C.S. Sharma AR
Last date of hearing	Application under Section 39/17.09.2025
Proceeding Recorded by	H.R. Mehta and Kiran Chhabra

Proceeding-cum-orders

1. The above-mentioned matter was heard and disposed of by the Authority vide its order dated 16.04.2025, wherein the Authority has directed the respondent no.1 to pay interest to the complainant against the paid-up amount at the prescribed rate of 11.10% p.a. for every month of delay from the due date of possession, i.e., 11.03.2019 till the date of offer of possession (29.07.2019) plus two months i.e., upto 29.09.2019 as per Proviso to Section 18(1) of the Act read with Rule 15 of the Rules, ibid.
2. Subsequently, the complainant has filed an application dated 04.08.2025, for rectification of the said order dated 16.04.2025 under Section 39 of the Act. In the application, the complainant submitted that the Authority had inadvertently recorded the due date of possession in para 27(I) of the said detailed order as 11.03.2019 which includes 180 days grace period, instead of 11.09.2018 which was pronounced by the Hon'ble Member on 16.04.2025. Further, in para 27(III) the respondent no.2 is directed to charge maintenance charges from the complainant for the period post



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
MANO-558/2025/RCR/1034/202

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

29.07.2019 and not prior to that. Letter for offer of possession was issued by respondent no.1 on 29.07.2019 with a statutory period of two months provided for taking possession of the subject unit by the allottee. Hence, maintenance charges should be charged for the period post 29.09.2019 instead of 29.07.2019. Therefore, the complainant seeks necessary corrections in the order passed by the Authority on 16.04.2025 in the interest of justice.

3. A reply to the said rectification application had been filed by the respondent on 08.10.2025. It is submitted that the complainant has miserably failed to point out any clerical, typographical or patent mistake in the said order dated 16.04.2025. The grounds raised are not errors apparent on record but issues which have already been adjudicated upon by the Authority. Furthermore, Section 39 confers only a narrow power of review, restricted to correction of mistakes apparent from the record and cannot involve changing the substantive part of the order. Further, post order dated 16.04.2025, the respondent complied with the said order and paid the delayed possession charges and conveyance deed has also been executed and registered in favor of the complainant vide document no. 4841 dated 10.07.2025 at the office of Sub-Registrar, Manesar, Gurugram. Therefore, the present application must be dismissed with exemplary cost.

4. 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:

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



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
MANO 508/2025 HCR/1031/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

substantive part of its order passed under the provisions of this Act."

5. In the factual matrix of the present case, possession of the unit was to be offered in terms of clause 8.1(a) of the buyer's agreement executed between the parties subject to unqualified grace period of 180 days for applying and obtaining the occupation certificate. The buyer's agreement was executed between the parties on 11.09.2015. Thus, the due date of handing over possession comes out to be 11.03.2019 (11.09.2018 plus grace period of 180 days).
6. The Authority inadvertently mentioned in its proceedings dated 16.04.2025 that the due date of possession is 11.09.2018. However, while preparing its detailed order dated 16.04.2025, the Authority taking suo-motu cognizance of its inadvertent error had itself clarified that the due date of possession is 11.03.2019. The relevant part of same is reiterated as under:
"Note: Inadvertently due date of delivery of possession has been mentioned to be 11.09.2018 in proceedings dated 19.02.2025."
7. Therefore, the due date of possession had been advertently recorded to be 11.09.2018 in its proceedings dated 16.04.2025. The complainant is entitled to the relief of delay possession charges against the paid-up amount at the prescribed rate of 11.10% p.a. for every month of delay from the due date of possession, i.e., 11.03.2019 till the date of offer of possession plus two months, i.e., till 29.09.2019 as per Section 18(1) of the Act of 2016 read with Rule 15 of the Rules, 2017. Further, this Authority cannot re-write its own order and lacks the jurisdiction to review its own order as the matter in issue has already been heard and decided by this Authority.
8. Further, as far as contention of the complainant that maintenance charges should be charged for the period post 29.09.2019 instead of 29.07.2019 is concerned, 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

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण



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MANO 558/2025/EX/1084/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

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.

9. Since the present application involves amendment of substantive part of the order by substituting the date of commencement of maintenance charges, it would amount to a review of the matter on merits, which is not permissible under Section 39 of the Act, 2016.
10. Thus, in view of the legal position discussed above, there is no merit in the application dated 04.08.2025 filed by the complainant for rectification in order dated 16.04.2025 passed by the Authority and the same is hereby declined.
11. Rectification application stands disposed of. File be consigned to registry.

Ashok Sangwan
Member
15.10.2025