

PROCEEDINGS OF THE DAY
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Day and Date	Wednesday and 26.11.2025
Complaint No.	MA NO. 540/2025 in CR/4303/2024 Case titled as Kailash Gaur VS Signature Global Developers Private Limited
Complainant	Kailash Gaur
Represented through	
Respondent	Signature Global Developers Private Limited
Respondent Represented through	Sh. Gunjan, Advocate
Last date of hearing	15.10.2025
Proceeding Recorded by	H.R. Mehta & Kiran Chhabra

Proceedings-cum-Order

1. The above-mentioned matter was heard and disposed of by the Authority vide its order dated 14.05.2025, wherein the Authority has directed the respondent 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., 30.09.2023 till the date of offer of possession plus two months or actual handover of possession, whichever is earlier 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 25.07.2025, for rectification of the said order dated 14.05.2025 under Section 39 of the Act, seeking rectification at page no.6 of the order wherein it is written that "complainant offered to buy a commercial shop in the project" however it is a residential unit for which the complaint was filed. Further, somewhere it is written that the respondent is directed to pay delayed charges at the rate of 10.85% and somewhere it is written 11.10%. Therefore, the complainant

seeks necessary corrections in the order passed by the Authority on 14.05.2025 in the interest of justice. Also, the name of the complainant at page 3 is mentioned to be "Harmeet Singh" instead of "Kailash Gaur."

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

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."

None is present on behalf of the complainant/applicant. However, the counsel for the respondent states that an appeal has been filed in the matter before the Hon'ble Appellate Tribunal in appeal No.1113 of 2025.

In view of the above, the application under Section 39 of the Act does not survive in view of the proviso to Section 39, which is self-speaking. Accordingly, the application is dismissed. File be consigned to the registry.


Ashok Sangwan

Member

26.11.2025