

<b>PROCEEDINGS OF THE DAY</b>		<b>25</b>
Day and Date	Tuesday and 23.12.2025	
Complaint No.	MA NO. 726/2025 in CR/4135/2023 Case titled as Wind Chant Condominium Association VS Experion Developers Private Limited	
Complainant	Wind Chant Condominium Association	
Represented through	None	
Respondent	Experion Developers Private Limited	
Respondent Represented	Shri Ishaan Dang Advocate	
Last date of hearing	Application u/s 39 of the Act/02.12.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

### **Proceedings**

The aforesaid complaint was disposed of vide order dated 12.08.2025. An application dated 27.10.2025 was filed by the respondent for rectification of order dated 12.08.2025.

The respondent states that as per order dated 12.08.2025, the following directions with respect to furnishing of details of IFMS, electricity charges, HVAT, EDC/IDC, advance maintenance etc. had been passed and the same have been reproduced hereinbelow: -

*14. As per Section 17(2) of the Act, 2016 the respondent/promoter is obligated to hand over all necessary documents to the association of the allottees or the competent authority after obtaining occupation certificate. Accordingly, respondent no.1 and 2 are liable to provide the complete bank details and statements of the said funds to the complainant/association within 30 days of this order*

it is respectfully submitted that the aforesaid direction passed by this Honourable Authority is inconsistent with the provisions of Real Estate (Regulation and Development) Act, 2016 as amended by the Real Estate



HARYANA REAL ESTATE REGULATORY AUTHORITY  
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम  
MANU 126/2025 IN C.R.U. 2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

(Regulation and Development) Removal of Difficulties Order, 2016. In terms of the amendment, the word “occupancy” has been substituted by the word “completion” in the proviso of Section 17(2) of the RERA Act. Thus, Section 17(2) of the Act reads as follows: -

**Section 17. Transfer of title.—**

(2) After obtaining the occupancy certificate and handing over physical possession to the allottees in terms of sub-section (1), it shall be the responsibility of the promoter to handover the necessary documents and plans, including common areas, to the association of the allottees or the competent authority, as the case may be, as per the local laws: Provided that, in the absence of any local law, the promoter shall handover the necessary documents and plans, including common areas, to the association of the allottees or the competent authority, as the case may be, within thirty days after obtaining the completion certificate.

That thus, the directions passed by this Honourable Authority ought to be legally complied with by the respondent only after obtaining the completion certificate and not the occupation certificate. It would not be out of place to mention that the respondent is yet to receive the completion certificate for the Windchants project. The application for completion certificate has not yet been filed by the respondent as an additional tower (Phase C of Windchants by the name of Nova) is yet to be constructed. The completion certificate will be applied for by the respondent after construction of the entire project is completed. It is respectfully submitted that the respondent shall duly furnish the information mentioned at serial no.14 of the order dated 12.08.2025 passed by this Honourable Authority upon the receipt of the completion certificate.

That moreover, it is respectfully submitted that certain information besides the amount deposited towards IFMS is not legally required to be shared with the complainant by the respondent in terms of Section 17 of the Act. The complainant for reasons best known to it has sought disclosure of several charges under one single prayer. In the order dated 12.08.2025, there is no clarity as to which specific information is to be shared with the complainant.

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**

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016  
भू-संपदा (विनियमन और विकास) अधिनियम, 2016की धारा 20के अंतर्गत गठित प्राधिकरण



HARYANA REAL ESTATE REGULATORY AUTHORITY  
GURUGRAM

हरियाणा भू-संपदा विनियमक प्राधिकरण, गुरुग्राम

MANO/28/2025/C/1435/223

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्वाम गृह, सिविल लाईंस, 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."*

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 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. There is no provision to clarify the points as mentioned in the application under the Act, 2016 and the application is beyond the scope of section 39 of the Act, 2016

In view of the above, the application filed by the respondent is hereby **dismissed** being not maintainable. File be consigned to the registry.

  
P.S. Saini  
Member

  
Arun Kumar  
Chairman  
23.12.2025