

PROCEEDINGS OF THE DAY
9

Day and Date	Wednesday and 03.12.2025
Complaint No.	MA NO. 568/2025 in CR/1974/2023 Case titled as Niti Singh VS VSR Infratech Private Limited
Complainant	Niti Singh
Represented through	Sh. Maheshwar Rathee
Respondent	VSR Infratech Private Limited
Respondent Represented	Ms. Shriya Takkar & Ms. Meenal Khanna, Advocates.
Last date of hearing	Application under Section 39 of the Act/26.11.2025
Proceeding Recorded by	H.R. Mehta & Kiran Chhabra

Proceedings-cum-order

1. The aforementioned complaint was disposed of by this Authority vide order dated 14.05.2025, wherein the Authority directed the respondent to pay the amount of assured return at the agreed rate i.e., @ Rs.63/- per sq. ft. per month from the date the payment of assured return has not been made i.e., January 2020 till the date of completion of building i.e., on receipt of occupation certificate i.e., till 17.02.2021 and thereafter, Rs.52.50/- per sq. ft. per month till the date said unit is put on lease and rentals are achieved by the allottee. The detailed order pertaining to this matter was duly uploaded on the official website of the Authority on 16.05.2025.
2. The complainant has filed an application bearing MA No. 568/2025 dated 08.08.2025 for rectification of the said order stating that in para 32 and directions in para 38 of the order dated 14.05.2025, the date the payment of assured return has not been made had been inadvertently recorded to be January 2020 instead of January 2019. It is further submitted that the appearance of learned counsel for the complainant has been incorrectly mentioned as "Samarth Kapoor" whereas it was "Advocate Maheshwar

Rathee" who attended the hearings in person and argued the mater on behalf of the complainant from inception till final disposal.

3. The counsel for the respondent vide objection to the rectification has submitted that an amount of Rs.12,46,939/- has been paid by the respondent as assured return to the complainant from April 2014 till December 2019. Now, vide the instant application, the complainant is seeking Assured Return from January 2019, despite having already received Assured Returns up to December 2019. Further, the complainant is seeking a modification of the substantive findings and directions contained in the final order dated 14.05.2025, which is clearly beyond the scope of the limited rectification powers conferred upon this Authority under Section 39 of the Act. Accordingly, the present application is liable to be dismissed at the very threshold.
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:

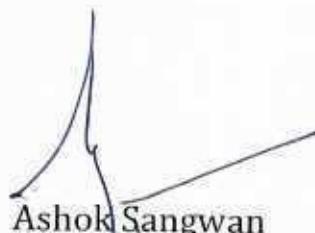
Provided that no such amendment shall be made in respect of any order against which an appeal has been preferred under this Act:

Provided further that the Authority shall not, while rectifying any mistake apparent from record, amend substantive part of its order passed under the provisions of this Act.”

5. The Authority is of the view that the appearance of counsel for the complainant has been inadvertently recorded as "Samarth Kapoor" whereas it was "Advocate Maheshwar Rathee" who attended the hearings in person and argued the mater on behalf of the complainant from inception till final disposal. 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.
6. Further, upon reconsideration of the facts and examination of the records submitted by the parties, it is evident from assured returns sheet annexed

by the respondent at page no. 76 (Annexure R/4) that assured return was paid to the complainant till December 2019. Same is further substantiated by customer ledger statement annexed as Annexure F at page no. 28 of the written arguments filed by the respondent on 09.04.2025 during the pendency of the complaint before the Authority. Therefore, it cannot be construed as a typographical error on the part of the Authority, and no rectification can be made on this ground. Also, the Authority while passing the detailed order, duly considered all submissions and documents placed on record by both parties.

7. Therefore, the said application dated 08.08.2025 filed by the complainant for rectification of the said order dated 14.05.2025 is held to be partially maintainable being covered under the ambit of Section 39 of the Act, 2016, *ibid*. Hence, the appearance of learned counsel for the complainant shall now be read as "Advocate Maheshwar Rathee."
8. Application partially allowed. This order shall be read as part and parcel of final order dated 14.05.2025.
9. Rectification application stands disposed of. File be consigned to the registry.



Ashok Sangwan
Member
03.12.2025