

PROCEEDINGS OF THE DAY
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Day and Date	Wednesday and 03.12.2025
Complaint No.	MA NO. 516/2025 in CR/2934/2024 Case titled as Anu Mathur VS Sunrays Heights Private Limited
Complainant	Anu Mathur
Represented through	Sh. Vijay Pratap Singh
Respondent	Sunrays Heights Private Limited
Respondent Represented through	Sh. Tushar Behmani, Advocate
Last date of hearing	Application U/s 39 of the Act/29.10.2025
Proceeding Recorded by	H.R. Mehta & Kiran Chhabra

Proceedings-cum-order

1. The above-mentioned matter was **heard and disposed of vide order dated 09.04.2025**, wherein the Authority had directed the respondent to pay interest to the complainant against the paid-up amount at the prescribed rate of 10.85% p.a. for every month of delay from the due date of possession, i.e., 16.03.2021 till the date of offer of possession plus two months or actual handing over 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 04.07.2025, for rectification of the said order dated 09.04.2025** under Section 39 of the Act, seeking rectification of amount paid by the complainant to be Rs.20,26,941/- instead of Rs.14,26,684/-.
3. The counsel for the respondent states that an Appeal No.691 of 2025 has already been filed by the respondent before the Appellate Tribunal against the orders of the Authority dated 09.04.2025. A copy of the same has been

placed on record. However, the Authority finds that the said appeal has not yet been admitted by the Appellate Tribunal due to deficit in the pre-deposit. Therefore, the Authority would proceed further in the matter.

4. Herein, 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 amount paid by the complainant had been inadvertently recorded to be Rs.14,26,684/- instead of Rs.20,26,941/- and same is evident from receipts annexed as Annexure A to the complaint filed by the complainant. 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. Therefore, the said application dated 04.07.2025 filed by the complainant for rectification of the said order dated 09.04.2025 is held to be maintainable being covered under the ambit of Section 39 of the Act, 2016, *ibid*. Hence, amount paid by the complainant written at para 2(13) of the said order shall now be read as Rs.20,26,941/-.

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी.डब्ल्यू.डी. विकास गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

7. Application allowed. This order shall be read as part and parcel of final order dated 09.04.2025.

8. Rectification application stands disposed of. File be consigned to the registry.

Ashok Sangwan
Member
03.12.2025