

<b>PROCEEDINGS OF THE DAY</b>		<b>93</b>
Day and Date	Friday and 13.02.2026	
Complaint No.	MA NO. 834/2025 in CR/4370/2024 Case titled as Gaurav Agarwal and Rupali Soni VS Godrej Highview LLP	
Complainant	Gaurav Agarwal and Rupali Soni	
Represented through	Shri Jaswant Kataria Advocate	
Respondent	Godrej Highview LLP	
Respondent Represented	None	
Last date of hearing	Application u/s 39 of the Act/6.2.2026	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
<b>Proceedings-cum-proceeding</b>		
<p>The present complaint was disposed of vide order 28.11.2025, directing the respondent to pay interest at the prescribed rate of 10.85% for every month of delay from the date of endorsement i.e., 10.06.2024 till the date of actual handing over possession of the unit, at prescribed rate i.e., 10.85% p.a. as per proviso to Section 18(1) of the Act read rule 15 of the rules.</p> <p>On 11.12.2025, the complainant and the respondent jointly filed an application for rectification in order dated 28.11.2025 passed by the Authority and made the following submissions:</p> <ol style="list-style-type: none"> <li>1. The present complaint was filed before this Hon'ble Authority and was listed for hearing on 28.11.2025. On the said date, matter was reserved for orders.</li> <li>2. On the said day, it was informed to the Hon'ble Authority that the parties are at an advance stage of settling the dispute. However, the matter was heard and was also reserved for orders/ judgment. Pursuant thereto, the counsel for the respondent requested for some time to be granted to the parties to settle the matter.</li> <li>3. In view thereof, the matter was settled between the parties on 02.12.2025 and the settlement agreement was also signed on the said day. In terms of the settlement, the complainant had agreed to</li> </ol>		



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हरियाणा भू-संघदा विनियामक प्राधिकरण, गुरुग्राम  
MANO 834/2025 In CR 4370/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. टी. विभाग गृह, सिविल लाइन्स, गुरुग्राम, हरियाणा

withdraw the present complaint within 7 days thereof. In compliance, the complainant immediately on the next day on 03.12.2025 filed an application seeking withdrawal of the present complaint.

4. However, before the Ld. Counsel for the parties (the complainant) could withdraw the complaint, the judgment was uploaded on the online portal on 08.12.2025. in pursuance thereof, the present application seeking review of the judgment is being filed. Vide the present application, the parties yet again seek to inform this Hon'ble Authority that the dispute between the parties stands settled. Thus, the judgment in the complaint should be reviewed and be decided as settled between the parties.
5. Further, the complainant may be permitted to withdraw the present complaint in terms of the settlement.
6. The present application is made bona fide and in the interest of justice.

Prayer:

- a. Allow the present application and dispose off the present complaint as withdrawn/ settled; and/or
- b. Pass such other and further orders that may deem fit in the interest of justice.

The Authority observes that the present matter was heard and decided on 28.11.2025. Thereafter, on 03.12.2025, the complainant filed an application for withdrawal of the complainant on the ground of that the matter has been amicably settled. Thereafter, on 11.12.2025, both the parties filed a joint application under Section 39 of the Act, 2016, seeking review of the order dated 28.11.2025 passed by the Authority.

The Authority would like to clarify that Section 39 of the Act, 2016, 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. 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. The relevant portion of said section is reproduced below.

**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*



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*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."*

Since the present application involves amendment of substantive part of the order and this would amount to review of the order. Accordingly, the said application is not maintainable being covered under the exception mentioned in 2nd proviso to Section 39 of the Act, 2016.

A reference in this regard may be made to the ratio of law laid down by the Hon'ble Haryana Real Estate Appellate Tribunal in case of **Municipal Corporation of Faridabad vs. Rise Projects vide Appeal No. 47 of 2022**; decided on 22.04.2022 and wherein it was held that the Authority is not empowered to review its orders.

Thus, in view of the legal position discussed above, there is no merit in the joint application dated 11.12.2025 filed by the complainant and the respondent for rectification of order dated 28.11.2025 passed by the Authority and the same is hereby **declined**.

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

Arun Kumar  
Chairman  
13.02.2026