

<b>PROCEEDINGS OF THE DAY</b>		<b>59</b>
Day and Date	Thursday and 29.01.2026	
Complaint No.	MA NO. 507/2025 in CR/5049/2023 Case titled as Nikhta Goel VS Aster Infracome Private Limited	
Complainant	Nikhta Goel	
Represented through	Shri Gaurav Rawat Advocate	
Respondent	Aster Infracome Private Limited	
Respondent Represented	Ms. Sanya Advocate	
Last date of hearing	Appl. u/s 39 of the Act/8.1.2026	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

### Proceedings

The counsel for the complainant has filed the present application dated 01.07.2025 under Section 39 of the Real Estate (Regulation and Development) Act, 2016 seeking rectification of the detailed order dated 20.02.2025.

The complainant, through the present application, has sought deletion/modification of the direction contained at page 20, para 24(ii) of the order dated 20.02.2025, whereby the complainant was directed to return the original cheque dated 15.04.2019 for an amount of Rs.7,78,250/-. It is contended that no such cheque is in possession of the complainant and, therefore, the said direction is erroneous.

Per contra, the respondent has filed its reply dated 22.12.2025, contending that the complainant is attempting to invoke Section 39 of the Act as a backdoor method to reopen the concluded issues and to secure modification of the final order, which is impermissible in law.



**HARERA**  
**GURUGRAM**

**HARYANA REAL ESTATE REGULATORY AUTHORITY**  
**GURUGRAM**

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

MAND 507/2025 IN CR/5049/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

This Authority has considered the submissions of both parties and perused the record.

Section 39 of the Act confers a limited power upon the Authority to rectify only clerical, arithmetical mistakes or accidental slips or omissions apparent on the face of the record. The said provision does not vest the Authority with the power of review, reconsideration of findings, re-appreciation of facts, or modification of substantive or operative directions passed in the final order.

The relief sought by the complainant is not confined to correction of any clerical or typographical error. On the contrary, the complainant is seeking modification of a specific operative direction contained in the order dated 20.02.2025. Such a modification would amount to alteration of the operative part of a final adjudicatory order, which is clearly beyond the scope and jurisdiction of this Authority under Section 39 of the Act.

If the complainant is aggrieved by any direction contained in the order dated 20.02.2025, the appropriate remedy lies in availing the statutory appellate remedy as provided under the Act, and not by invoking Section 39 for rectification.

However, it is clarified that the issue raised by the complainant regarding the alleged non-availability and encashment of the cheque dated 15.04.2019 pertains to adjudication of factual aspects, which fall within the domain of execution proceedings. Accordingly, during execution, if it is found that the amount mentioned in the said cheque has already been debited from the account of the respondent, the debited amount shall be duly adjusted and deducted from the total payable amount. Conversely, if it is found that the said amount has not been debited, the respondent shall remain liable to pay the amount as directed in para 24(i) of the order dated 20.02.2025.

In view of the above, this Authority holds that the present application does not disclose any clerical, arithmetical or accidental error apparent on the face of the record and is, therefore, not maintainable under Section 39 of the Act.



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New PWD Rest House, Civil Lines, Gurugram, Haryana

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Accordingly, the application dated 01.07.2025 filed by the complainant under Section 39 of the Real Estate (Regulation and Development) Act, 2016 is hereby dismissed as not maintainable.

P.S. Saini

Member

29.01.2026