

PROCEEDINGS OF THE DAY		23-24
Day and Date	Tuesday and 23.12.2025	
Complaint No.	MA NO. 709/2025 in CR/3057/2024 Case titled as Shobhit Sachdeva and Anil Sachdeva VS Vatika Limited	
Complainant	Shobhit Sachdeva and Anil Sachdeva	
Represented through	Ms. Himani Advocate	
Respondent	Vatika Limited	
Respondent Represented	Ms. Omita Advocate	
Last date of hearing	Application u/s 39 of the Act/25.11.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings-cum-order

The aforesaid complaint was disposed of by the Authority vide its order dated 22.07.2025 wherein the respondent was directed to pay delay possession charges at prescribed rate of interest @10.90% p.a. w.e.f. 27.10.2023 till valid offer of possession or actual handing over of possession whichever is earlier as per provisions of Section 18(1) of the Act read with rule 15 of the rules along with the direction of offer of possession within a period of 30 days and execution of conveyance deed.

The respondent has filed an application for rectification on 08.10.2025. The respondent's only concern was to ensure that the issue of area escalation and the consequent payments to be made by the complainant commensurate with the increased area was addressed before the Authority.

And prayed that

1. Record the submissions made by the respondent with respect to area escalation and consequent payments and made necessary rectification in order dated 22.07.2025.
2. Direct the respondent to make offer of possession within 30 days while directing the complainant to pay the balance consideration.



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

MANO 109/2025 IN CR 305/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

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."

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