



HARERA
GURUGRAM

**HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM**

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

PROCEEDINGS OF THE DAY		60
Day and Date	Tuesday and 11.08.2026	
Complaint No.	MA NO. 64/2026 in CR/61/2025 Case titled as Manoj Kumar and Asha Saini VS Vikas Park Private Limited	
Complainant	Manoj Kumar and Asha Saini	
Represented through	Ms. Yamini and Ms. Akriti Advocates	
Respondent	Vikas Park Private Limited	
Respondent Represented through	Ms. Tavishi Jain Advocate	
Last date of hearing	26.05.2026/ appl. u/s 39 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings-cum-order

The above-mentioned matter was part of a bunch order and was heard and disposed of vide order dated 04.11.2025 wherein, the Authority has directed the respondent to pay the interest at the prescribed rate i.e., 10.85% per annum for every month of delay on the amount paid by the complainant from the due date of possession till valid offer of possession plus two months after obtaining OC from the competent authority or actual handing over of possession, whichever is earlier, as per Section 18(1) of the Act of 2016 read with Rule 15 of the Rules.

The counsel for the respondent has filed an application u/s 39 of the Act, 2016 seeking rectification of the order dated 04.11.2025, stating that the Authority has disregarded the fact that the respondent had issued an email dated 23.01.2025 intimating the complainant about receipt of occupation certificate and hence wrongly calculated the period of two months from the date of offer of possession instead from date of intimation email. Given the same, the two months period, if any, shall begin from 23.01.2025 and not from date of offer of possession i.e., 25.02.2025. Further, Authority graciously granted the respondent a grace period of 6 months on account of COVID-19 pandemic



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MAN 284/2026 R CR/61/2025

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while placing reliance on its notification dated 26.05.2020. However, the Authority, did not consider another notification dated 02.08.2021 of the Panchkula Authority granting extension of 3 months in addition to 6 months extension earlier granted, due to impact of second wave of COVID -19 pandemic. Furthermore, the Authority has not considered the occurrence of the force majeure events specifically pleaded by the respondent in its reply and has not given any adjudication on the same.

The Authority observes that this Authority cannot re-write its own orders and lacks the jurisdiction to review its own order as the matter in issue has already been heard and decided by this Authority.

It is further observed 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. 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 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, 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 Haryana Real Estate Appellate Tribunal in case of ***Municipal Corporation of Faridabad vs. Rise Projects vide appeal no. 47 of 2022***; decided on



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MANO 64/2026 IN CR/61/2025

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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 application filed by the respondent for rectification of order dated 04.11.2025 passed by the Authority and the same is hereby **declined**.

The present rectification application stands disposed of.

File be consigned to registry.

Arun Kumar

Chairman

11.08.2026