PROCEEDINGS OF THE DAY	70
Day and Date	Thursday and 08.10.2026
Complaint No.	MA NO. 438/2026 in CR/6006/2025 Case titled as Deepa Kothiyal VS Sternal Buildcon Private Limited
Complainant	Deepa Kothiyal
Represented through	Complainant in person
Respondent	Sternal Buildcon Private Limited
Respondent Represented	Shri Gunjan Kumar Advocate
Last date of hearing	Application u/s 39 of the Act
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The present application for rectification dated 20.08.2026 was filed by the respondent/applicant in the matter 6006 of 2025 which was disposed of vide order dated 23.04.2026.

The respondent/applicant in his application applied for rectification in the date of offer of possession dated 28.09.2024 instead of 16.01.2026.

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. 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 the issue of the offer of possession letter dated 28.09.2024, after obtaining occupation certificate on 16.09.2024.

Thereafter, vide email dated 17.01.2026, the respondent/applicant itself admitted that ***due to an inadvertent clerical error, an incorrect date, i.e. 28.09.2024, has been mentioned on the offer of possession*** and final statement of account, mailed to you on 16.01.2026 vide two separate mails, same be treated and read as 16.01.2026 (the date of intimation via email). Accordingly, the timelines of 505 days for payment and 535 days for execution of documents and taking physical possession, which were system-generated based on the incorrect date, shall stand revised. The said timelines shall ***now be calculated afresh from the correct date of offer of possession*** and final statement of account, i.e. 16.01.2026.

Accordingly, the said application is not maintainable being covered under the exception mentioned in 2nd proviso to section 39 of the Act, 2016.

Further, 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 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 dated 20.08.2026 filed by the respondent for rectification of order dated 23.04.2026 passed by the Authority and the same is hereby declined.

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

P. S. Saini
Member
08.10.2026