



**BEFORE THE HARYANA REAL ESTATE REGULATORY AUTHORITY,  
GURUGRAM**

**Complaint no.** : 4540 of 2022  
**Date of application** : 12.09.2024  
**Date of decision** : 22.01.2025

Raman Bhatia  
**R/o:** B-438, New Friends Colony,  
New Delhi.

**Complainant**

Versus

M/s. BPTP Limited.  
**Office At:** M-11, Middle Circle, Connaught Circus,  
New Delhi-110001.

**Respondent**

**CORAM:**

Ashok Sangwan

**Member**

**APPEARANCE:**

Dolma Kashiva (Advocate)  
Harshit Batra (Advocate)

Complainant  
Respondent

**HARERA**  
**ORDER**  
**GURUGRAM**

1. An application dated 12.09.2024, has been filed by the respondent for rectification of order dated 29.05.2024 under section 39 of the Act, 2016 passed by the authority wherein it is stated that the Authority directed the respondent to refund the paid up amount of Rs.99,46,672/- after deducting 10% of sale consideration of Rs.1,82,18,257/- being the earnest money along with interest @ 10.85% p.a. (The State Bank of India highest marginal cost of lending rate (MCLR) applicable as on date

+ 2%) as prescribed under rule 15 of the Haryana Real Estate (Regulation and Development) Rules, 2017 on the refundable amount, from the date of cancellation i.e., 08.02.2022 till its realization. However, the sale consideration is Rs.1,04,89,500/- and seeks amendment of the same.

2. The reply to the said application from the respondent has been received on 20.11.2024. The respondent has submitted that the said amount of Rs.1,04,89,500/- is the basic sale consideration and not the total sale consideration. That under the garb of rectification of amounts, the complainant is seeking the deduction of the basic sale consideration instead of the total sale consideration.

**A. Finding by the authority**

3. 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."*

4. The Authority observes that as per Para 33 (i) of the order dated 29.05.2024, the respondent was directed to refund the paid up amount of Rs.99,46,672/- after deducting 10% of the sale consideration of Rs.1,82,18,257/- being earnest money. The relevant part is reiterated below:

*"The respondent /promoter is directed to refund the paid-up amount of Rs.99,46,672/- after deducting 10% of the sale consideration of Rs.1,82,18,257/-*



*being earnest money along with an interest @10.85% p.a. (the State Bank of India highest marginal cost of lending rate (MCLR) applicable as on date + 2%) as prescribed under rule 15 of the Haryana Real Estate (regulation and Development) Rules, 2017 on the refundable amount, from the date of cancellation i.e., 08.02.2022 till its realization"*

*[Emphasis supplied]*

5. It is observed by the Authority that as per the Flat Buyer's Agreement dated 03.01.2013, the sale consideration of the unit is Rs.1,04,89,500/- (as on page no. 39 of the complaint) and the same has been inadvertently mentioned as Rs.1,82,18,257/- in the order dated 29.05.2024 instead of Rs.1,04,89,500/-. The sale consideration as a matter of record for all purposes stands rectified as Rs.1,04,89,500/-. The same being an error apparent on the record stands rectified as mentioned above.
6. The above being an error apparent from record can be corrected and rectification is directed to be made to the extent in the order dated 29.05.2024. This order shall be read as part and parcel of the main order dated 29.05.2024.

**Ashok Sangwan**  
Member  
Haryana Real Estate Regulatory Authority, Gurugram

Dated: 22.01.2025