



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

RECTIFICATION No. 623 OF 2025 IN COMPLAINT NO. 2905 of 2022

Ramnita and Tilak Raj

....COMPLAINANT

VERSUS

Landmark Infonet Pvt.Ltd.

....RESPONDENT

CORAM:	Parneet Singh Sachdev	Chairman
	Nadim Akhtar	Member
	Dr. Geeta Rathee Singh	Member
	Chander Shekhar	Member

Date of Hearing: 10.07.2025

Hearing: 1st (re-open)

Present: Mr. Tarun Singhal, counsel for complainant, in person.
Mr. Shubhnit Hans, counsel for respondent through VC.

ORDER (PARNEET S SACHDEV - CHAIRMAN)

1. The complainants have filed the present Rectification Complaint under Section 39 of the Real Estate (Regulation and Development) Act, 2016, seeking rectification of the order dated 10.02.2025 passed by the Hon'ble Authority in Complaint No. 2905 of 2022, on the grounds that certain facts and documents, which emerged after the filing of the complaint on 02.11.2022, were inadvertently not placed on record, and that the Authority's observations rest on a few factual errors apparent

on the face of the record. The counsel for the complainants submitted that the Authority disposed of the complaint considering that the respondents had refunded ₹1,87,056 via demand drafts enclosed with a letter dated 06.12.2022.

2. Authority vide its disposal order dated 10.02.2025 clearly observed as follows:

"After considering the above facts, Authority is of the view that there is a clear case of concealment of facts by the complainants as the respondent had sent reminders, cancellation letter and even the demand drafts against the cancellation but the complainants failed to place them on record or even failed to mention them in their pleadings. Complainants contention does not substantiate their claim as the person, "who seeks equity must come with clean hands".

3. At this stage, it is pertinent to reproduce Section 39 of the Real Estate (Regulation and Development) Act, 2016, which states as follows:

"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."

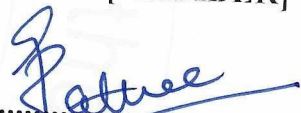


4. Section 39 empowers the Authority to rectify only those mistakes that are apparent from the record. The word "record" referred to in Section 39 does not refer solely to the order of the Authority, but also includes all proceedings on which the order is based. 'Record' encompasses all the documents present in the file as on the date of passing of the order. However, once the order is passed by the Authority and the file is closed, there is no scope for making additions to the 'record'.
5. In view of the above disposal order and upon perusal of the rectification application, it is observed that the complainants are not seeking rectification of any clerical or typographical error but, in fact, seek modification of a substantive determination by requesting consideration of documents that were never placed on record at the time of disposal of the case. The said disposal order was passed on merits based on the documents available on record at the time of adjudication.
6. Therefore, the present rectification application does not satisfy the requirements laid down under Section 39 of the Real Estate (Regulation and Development) Act, 2016. It is evident that the complainants have not pointed out any mistake apparent on the face of the record, which is a necessary condition for invoking the rectification jurisdiction under the said provision. Instead, the complainants are

seeking modification of the substantive findings and conclusions of the order, which falls outside the scope of rectification as contemplated under Section 39. As per the proviso to Section 39, no rectification shall be made where the issue involves a change in the merits or substance of the decision. Accordingly, the present rectification complaint is devoid of merit and is liable to be rejected.

7. Accordingly, the application seeking rectification of the final order dated 10.02.2025 is hereby **disposed of as rejected**. File be consigned to the record room after uploading this order on the website of the Authority.


CHANDER SHEKHAR
[MEMBER]


DR. GEETA RATHEE SINGH
[MEMBER]


NADIM AKHTAR
[MEMBER]


PARNEET S SACHDEV
[CHAIRMAN]