



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

RECTIFICATION No. 812 OF 2025 IN COMPLAINT NO. 292 of 2023

Priyank Gupta

....COMPLAINANT

VERSUS

SRS Real Estate Ltd.

....RESPONDENT

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

Date of Hearing: 17.07.2025

Hearing: 1st (re-open)

Present: Mr. Yash Gupta, proxy counsel for Adv. Rishi Kapoor for the complainant.
None for the respondent.

ORDER (PARNEET S SACHDEV - CHAIRMAN)

1. The present rectification complaint has been filed by the complainants under "Section 39 of the Real Estate (Regulation and Development) Act, 2016" seeking rectification of the final order dated 03.03.2025 passed by the Hon'ble Authority in Complaint No. 292 of 2023.
2. It is the case of the complainants that the order dated 03.03.2025 was erroneously passed on the mistaken premise that the payment receipts

ORDER (PARNEET S SACHDEV - CHAIRMAN)

1. The present rectification complaint has been filed by the complainants under Section 39 of the Real Estate (Regulation and Development) Act, 2016, seeking rectification of the final order dated 03.03.2025 passed by the Hon'ble Authority in Complaint No. 292 of 2023.
2. It is the case of the complainants that the order dated 03.03.2025 was erroneously passed on the mistaken premise that the payment receipts placed on record by the complainants did not pertain to the allotted unit. It is stated that the receipts refer to Reg. No. PH/PWL/07/1064, which is not a unit number but rather the registration number of the allotment, also mentioned in the allotment letter dated 25.04.2015 (Annexure C-2 of the complaint). According to the complainants, the said registration number was erroneously mentioned by the respondent-builder in the payment receipts in place of the actual unit number A2/A/1304. The complainants have contended that this was a technical error on the part of the Respondent and that the receipts genuinely pertain to the allotted unit and were annexed in support of the refund claim. It is further submitted that there was no intention to mislead or deceive the Authority and the confusion merely arose from the Respondent's erroneous labeling of the receipts.



3. However, on a careful consideration of the record and perusal of the disposal order dated 03.03.2025, it is evident that the complainants were duly granted sufficient opportunities during the pendency of the original complaint to explain the discrepancies in the payment receipts. Despite being asked during hearings to provide clarification and being afforded time to file a written explanation substantiating the link between the receipts and the allotted unit, the complainants failed to file any such explanation. Consequently, Authority, upon considering the documents available on record at the time and after providing reasonable opportunity to the complainants, dismissed the complaint on merits.
4. It is further relevant to note that the said disposal order dated 03.03.2025 was passed with the liberty to the complainants to file a fresh complaint. Despite the grant of such liberty, the complainants instead chose to file the present rectification complaint rather than availing the appropriate remedy of initiating fresh proceedings with complete documentation.
5. Upon perusal of the contents of the rectification complaint and the scope of Section 39 of the Real Estate (Regulation and Development) Act, 2016, it is clear that the complainants are not seeking rectification of any clerical or typographical error apparent on the face of the record. Rather, the complainants seek reconsideration and modification of the



final order by requesting that the Authority examine certain documents that were admittedly not placed on record at the time of adjudication of the original complaint.

6. It is settled law that rectification under Section 39 of the Real Estate (Regulation and Development) Act, 2016 can only be invoked in cases of mistakes which are apparent on the face of the 'record', such as arithmetical, clerical, or typographical errors. The provision reads as under:

"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."

7. A bare reading of the aforesaid provision makes it amply clear that the jurisdiction under Section 39 is limited and cannot be invoked to seek a review or re-adjudication of issues already considered and decided on merits. The rectification power is not meant to be a substitute for an appeal or for reconsideration of matters that were not presented in the original proceedings.



8. In light of the above discussion, the application seeking rectification of the final order dated 03.03.2025 is hereby **dismissed**. File be consigned to the record room after uploading this order on the website of the Authority.



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DR. GEETA RATHEE SINGH
[MEMBER]



.....
NADIM AKHTAR
[MEMBER]



.....
PARNEET S SACHDEV
[CHAIRMAN]

