

<b>PROCEEDINGS OF THE DAY</b>		<b>12</b>
Day and Date	Friday and 01.08.2025	
Complaint No.	MA NO. 432/2025 in CR/201/2023 Case titled as Syed Meraj Ahmad VS BPTP LIMITED	
Complainant	Syed Meraj Ahmad	
Represented through	Shri Vikas Verma Advocate	
Respondent	BPTP LIMITED	
Respondent Represented through	Shri Harshit Batra and Ms. Shikha Advocates	
Last date of hearing	Appl. u/s 39 of the Acct/11.07.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

### **Proceedings-cum-order**

The above-mentioned matter was heard and disposed of vide order dated 11.04.2025 wherein the Authority had directed the respondent to refund the paid-up amount of Rs. 35,94,839/- after deducting 10% of the basic sale consideration of Rs. 1,31,79,217/- being earnest money along with an interest @11.10% 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., 01.07.2022 till its realization.

The Respondent has filed an application on 23.05.2025 seeking rectification of the order dated 11.04.2025, specifically in reference to paragraph 13(i) of the said order. In the application, the Respondent seeking for a specific direction that the Pre-EMI payments made by Respondent No. 1 be duly acknowledged and adjusted under the amount forfeited.

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 amendment of substantive part of the order by seeking specific direction for Pre-EMI payments made by Respondent No. 1 be duly acknowledged and adjusted under the amount forfeited.

Accordingly, the said application is not maintainable being covered under the exception mentioned in 2<sup>nd</sup> 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 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 23.05.2025 filed by the respondent for rectification of order dated 11.04.2025 passed by the authority and the same is hereby declined. Rectification application stands disposed of. File be consigned to registry.



Arun Kumar  
Chairman  
01.08.2025