



## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: [www.haryanarera.gov.in](http://www.haryanarera.gov.in)

(Reopened for deciding application u/s 39 of RERA Act, 2016)  
COMPLAINT NO. 1183 of 2023

Mrs. Shashi Arora and Anr

.....COMPLAINANT

VERSUS

BPTP Ltd. & Anr.

....RESPONDENT

<b>CORAM:</b>	<b>Parneet Singh Sachdev</b>	<b>Chairman</b>
	<b>Nadim Akhtar</b>	<b>Member</b>
	<b>Dr. Geeta Rathee Singh</b>	<b>Member</b>

**Date of Hearing:** 12.02.2026

**Hearing:** 1<sup>st</sup> (re-open)

**Present:** Mr. Ashish Chaudhary, counsel for the complainant through VC.

Mr. Hemant Saini & Ms. Neha, counsel for the respondent through VC.

*[Handwritten signature]*

**ORDER (PARNEET S SACHDEV - CHAIRMAN)**

1. The present rectification application has been filed by ld. counsel for the respondent on 09.01.2026 under Section 39 of the Real Estate (Regulation and Development) Act, 2016 seeking rectification of the final order dated 27.10.2025.
2. In the said rectification application, learned counsel for the respondent submits that while the Authority directed refund of the balance amount of Rs. 6,44,690/-, interest was erroneously calculated on the entire principal amount up to 27.10.2025. It is contended that substantial amounts totaling Rs. 90,82,581/- were refunded through post-dated cheques between 20.04.2024 and 20.09.2024, and interest ought to have been calculated only up to the respective dates of realization. According to the respondent, due to this alleged calculation error, the payable amount has been inflated and only Rs. 48,213/- remains due.
3. Before examining the contention, it is necessary to refer to Section 39 of the Act. The provision empowers the Authority to rectify a mistake apparent from the record. It does not confer power of review. The Authority cannot amend the substantive part of its order under the guise of rectification. 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. The scope of “error apparent on the face of record” is well settled. In *Satyanarayan Laxminarayan Hegde v. Mallikarjun Bhavanappa Tirumale (AIR 1960 SC 137)*, the Hon’ble Supreme Court held that an error which requires a long process of reasoning or where two opinions are possible cannot be treated as an error apparent. Similar principles were reiterated in *Hari Vishnu Kamath v. Ahmad Ishaque (AIR 1955 SC 233)*, *Parison Devi v. Sumitri Devi (1997) 8 SCC 715*, and *Asharfi Devi v. State of U.P. (2019) 5 SCC 86*. Rectification is confined to patent errors such as clerical, arithmetical, or obvious factual mistakes. It cannot operate as an appeal in disguise.

5. In the present case, the record reveals that during the pendency of the complaint, the Authority had repeatedly directed the respondent to clarify receivables and payables. Vide order dated 22.04.2024, the respondent tendered 24 post-dated cheques and sought time to file detailed calculations along with TDS certificate. The Authority

specifically directed the respondent to file a statement explaining how the amount was computed and to place the TDS certificate on record.

6. Subsequently, vide order dated 09.09.2024, the Authority directed the complainants to place complete payment receipts and supporting bank statements on record. Adequate opportunity was thus granted to both parties to substantiate their respective claims with documentary proof.
7. However, no proof of encashment of the post-dated cheques was placed on record. A cheque by itself does not establish discharge of liability unless supported by proof of realization. The date of encashment is material for the purpose of interest calculation. In absence of encashment proof, the Authority was constrained to compute the refund and interest on the basis of the material available on record, including admitted receipts.
8. The final order dated 27.10.2025 was therefore passed after considering the documents and submissions available on record at that stage. The present plea requires re-examination of the mode of calculation of interest and re-determination of the balance payable. Such exercise would necessarily involve appreciation of fresh factual assertions and recalculation on the basis of disputed dates of realization. It is not an arithmetic slip apparent on the face of the order. Rather, it seeks substantive reconsideration of the findings already recorded. Section 39 does not permit such review.

9. Accordingly, the application seeking rectification of the final order dated 27.10.2025 is hereby disposed of as rejected. 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]

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NADIM AKHTAR  
[MEMBER]

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PARNEET S SACHDEV  
[CHAIRMAN]