



# HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

## RECTIFICATION No. 1674 OF 2025 IN COMPLAINT NO. 1246 of 2025

Rishi Malik

....COMPLAINANT

VERSUS

Parsvnath Developers Ltd.

....RESPONDENT

**CORAM:**      **Parneet Singh Sachdev**      **Chairman**  
                    **Dr. Geeta Rathee Singh**      **Member**

**Date of Hearing:** 23.04.2026

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

**Present:** Mr. Yashish Chandra, counsel for the complainant through VC.  
Ms. Rupali Verma, counsel for the respondent through VC.

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

1. The present rectification complaint has been filed by the complainant under Section 39 of the Real Estate (Regulation and Development) Act, 2016, seeking rectification of the final order dated 16.11.2021 passed by this Authority in Complaint No. 1246 of 2020.

2. The case of the complainant is that the order in the present complaint was based upon the lead case Complaint No. 723 of 2019 (Nishant Bansal v. Parsvnath Developers Ltd.). It is submitted that the said lead case was subsequently modified and merged into the common judgment dated 31.10.2022 passed by the Haryana Real Estate Appellate Tribunal (HREAT) in Appeal No. 15 of 2021 and Appeal No. 327 of 2020. It is contended that the benefit of interest on delayed possession and other consequential reliefs, as granted by the Appellate Tribunal, ought to be extended in the present matter as well. The complainant has, therefore, sought modification/clarification of para 3 of the order dated 16.11.2021 and has further prayed for grant of interest @ 10.25% per annum along with other reliefs in terms of the appellate judgment dated 31.10.2022.

3. Authority observes that before adverting to the merits of the claim, it is necessary to examine the scope of powers of this Authority under Section 39 of the Act. Section 39 provides that the Authority may rectify any mistake apparent on the face of record within a period of two years from the date of the order. It further restricts the Authority from amending the substantive part of the order. 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.”*

4. It is an admitted position that the original order sought to be rectified was passed on **16.11.2021**. The present rectification complaint has been filed on **20.11.2025**. Thus, the rectification complaint has been filed ***beyond the statutory period of two years prescribed under Section 39 of the Act.***
5. The limitation prescribed under a statute is mandatory. Once the period expires, the Authority becomes *functus officio* for the purpose of exercising such power.
6. The Hon'ble Supreme Court in ***Assistant Commissioner (CT) v. Glaxo Smith Kline Consumer Health Care Ltd. (2020) 19 SCC 681*** held that ***“The Act is a special legislation within the meaning of Section 29(2) of the Limitation Act and, therefore, the prescription with regard to the limitation has to be the binding effect and the same has to be followed regard being had to its mandatory nature”***. It reiterated that statutory authorities cannot entertain applications filed beyond the prescribed limitation period in absence of express power to condone delay.

7. In view of the above legal position, this Authority has no jurisdiction to entertain the present rectification complaint filed beyond the prescribed period. The issue of merits, therefore, does not arise for consideration.
8. Accordingly, the present rectification complaint is hereby **dismissed as non-maintainable**, being barred by limitation.
9. File be consigned to the record room after uploading of the order on the website of the Authority.

  
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DR. GEETA RATHEE SINGH  
[MEMBER]

  
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PARNEET S SACHDEV  
[CHAIRMAN]