



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

(Reopened for deciding application u/s 39 of RERA Act, 2016)
COMPLAINT NO. 417 of 2025

Pawan Kumar Singla & Pankaj Garg

.....COMPLAINANTS

Versus

TDI Infrastructure Ltd.

.....RESPONDENT

CORAM:

Parneet S Sachdev
Nadim Akhtar
Dr. Geeta Rathee Singh
Chander Shekhar

Chairman
Member
Member
Member

Date of Hearing: 23.07.2026

Hearing: 1st (re-opened)

Present:- Mr. Gaurav Gupta, counsel for the complainants through VC.

Mr. Shubhnit Hans, counsel for the respondent through VC.

ORDER (PARNEET S SACHDEV - CHAIRMAN)

1. The present application has been filed by the respondent/applicant, M/s TDI Infrastructure Ltd., on 09.07.2026 under Section 39 of the Real Estate (Regulation and Development) Act, 2016, seeking rectification of the final order dated 24.04.2026 passed by this Authority.
2. The respondent has contended that the project in question is an unregistered project and, therefore, falls outside the jurisdiction of this

Authority. It has been submitted that the complaint was not maintainable under the provisions of the Act and, consequently, the directions issued by this Authority for refund of the deposited amount along with interest deserve to be recalled.

3. Upon consideration of the application, this Authority finds that the respondent is not seeking rectification of any typographical, clerical or arithmetic mistake apparent from the face of the record. Rather, the respondent seeks reconsideration of the findings recorded in the final order and dismissal of the complaint on the ground of lack of jurisdiction. The relief sought amounts to a review of the substantive findings and operative directions contained in the final order, which is beyond the scope of Section 39 of the Act.
4. Section 39 of the Real Estate (Regulation and Development) Act, 2016 empowers the Authority to rectify only a mistake apparent from the record. The second proviso specifically provides that while rectifying such a mistake, the Authority shall not amend the substantive part of its order. Thus, the power under Section 39 is confined to patent errors such as clerical, typographical or arithmetic mistakes and cannot be exercised to revisit findings rendered on merits. Section 39 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."

5. The Hon'ble Supreme Court in *Asharfi Devi (D) Thr. LRs. v. State of U.P. & Ors.*, (2019) 5 SCC 86, relying upon *Satyanarayan Laxminarayan Hegde v. Mallikarjun Bhavanappa Tirumale*, AIR 1960 SC 137, has held that an error apparent on the face of the record must be one which is evident on a mere perusal of the record and does not require a long-drawn process of reasoning. Likewise, in *Parison Devi v. Sumitri Devi*, (1997) 8 SCC 715, the Hon'ble Supreme Court held that a petition for rectification cannot be permitted to become "*an appeal in disguise*."
6. It is also pertinent to note that, while passing the final order dated 24.04.2026, this Authority had already considered and decided the respondent's objections regarding maintainability of the complaint and jurisdiction of this Authority in detail under paragraph 11, observation point (iii) of the said order. The relevant observations are reproduced below:

"(iii) The Authority has carefully examined the objection raised by the respondent that the project was allegedly completed prior to coming into force of the RE(RD) Act, 2016... Therefore, the provisions of the Act are not applicable and the present complaint is not maintainable. At the outset, this contention is legally

unsustainable on two grounds. Firstly, it is well settled that the RE(RD) Act, 2016 applies not only to projects launched after its enactment but also to ongoing projects, where completion and delivery of possession have not been lawfully achieved... Therefore, the project, qua the complainants, remains incomplete. Secondly, the obligation of the promoter to hand over possession in accordance with law is a continuing obligation and failure to do so gives rise to a continuous cause of action. Hence, the rights of the allottees/complainants survive and can be enforced even after the enactment of the RE(RD) Act, 2016."

"In view of the above legal position, the Authority holds that the present case involves a continuing default on the part of the respondent. The complainants' right to seek possession or refund subsists even after the enactment of the RE(RD) Act, 2016... Accordingly, the objection raised by the respondent regarding non-applicability of the RE(RD) Act, 2016 and maintainability of the complaint is rejected. The Authority has complete jurisdiction and mandate to adjudicate the same on merits."

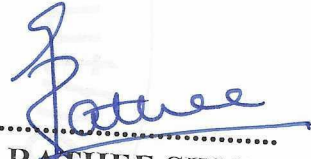
7. Thus, the very grounds raised in the present application have already been considered and decided in the final order dated 24.04.2026. Proceedings under Section 39 cannot be invoked to re-agitate issues already adjudicated on merits. The power of rectification is confined to correction of mistakes apparent from the face of the record and does not extend to review or reconsideration of findings already recorded by the Authority.
8. It is settled that even an error of law, if apparent from the face of the record, may be rectified under Section 39. However, no such error of law or fact exists in the order dated 24.04.2026. The findings regarding the applicability of the RE(RD) Act, 2016, maintainability of the complaint

and jurisdiction of this Authority were rendered after due consideration of the pleadings, submissions of the parties and the applicable judicial precedents.

9. In view of the foregoing discussion, the present application seeking rectification of the final order dated 24.04.2026 is devoid of merit and is hereby rejected.
10. Accordingly, the case stands disposed of.

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]


NADEEM AKHTAR
[MEMBER]


PARNEET S SACHDEV
[CHAIRMAN]