HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1336 OF 2020

(Re-opened for rectification in disposal order dated 04.11.2024)

Bijender Kumar & Anr. ....COMPLAINANTS

VERSUS

M/s BPTP Ltd ......RESPONDENT

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

Date of Hearing: 20.08.2026

Hearing: 1st (Application under Section 39)

Present: None for complainant.
Mr. Hemant Saini, Counsel for respondent.

ORDER (PARNEET S. SACHDEV-CHAIRMAN)

1. Captioned complaint was disposed of vide order dated 04.11.2024. Relevant paragraphs 25 and 27 (i) are reproduced below for reference:-

"25. Authority has got calculated the interest on total paid amount from due date of possession i.e., 07.02.2015 till the date of order, which works out to Rs. 25,73,663/- as per detail given in the table below:

Sr. No.	*Principal Amount (in ₹)*	*Deemed date of possession or date of payment whichever is later*	*Interest Accrued till 04.11.2024 (in ₹)*
1.	*23,77,900/-*	*07.02.2015 (Deemed date of possession)*	*25,73.663*
Upon reviewing the application dated 12.08.2024 filed by the complainant, wherein the complainant has annexed documents as evidence of the amount paid, the Authority notes that the complainant has not provided a proper tabular format clearly detailing the amounts paid and their corresponding dates. In the absence of this crucial information. the Authority finds it appropriate to rely on the account statement submitted by the respondent in their application dated 06.09.2024. This statement outlines the payments received from the complainant, along with the respective dates of payment. The respondent's application also includes the payment of VAT; however, interest has not been calculated on this amount, as it constitutes government levy that the complainant was obligated to pay.			
Monthly interest commencing ***w.e.f. 07.02.2015.***	*21,694/-*		

I. DIRECTIONS OF THE AUTHORITY

27. Hence, the Authority hereby passes this order and issues following directions under Section 37 of the Act to ensure compliance of obligation cast upon the promoter as per the function entrusted to the Authority under Section 34(f) of the Act of 2016:

(i) Respondent is directed to offer possession of the unit within next 45 days alongwith Statement of Account issued in compliance of directions passed in this order incorporating therein delay interest of 225,73,663/- to the complainants towards delay already caused in handing over the possession and monthly interest of 21,694/-"

2. Ld. counsel for respondent had filed an application in registry on 15.07.2026 seeking rectification in disposal order. It is stated that vide order dated 04.11.2024, the Authority (at page no. 34 of disposal order) had granted delayed possession charges to the complainant from 07.02.2015 till the date of order i.e . 04.11.2024. Interest accrued till 04.11.2024 was calculated as Rs 25,73,663/-. Further, in para no. 25 of the impugned order dated 04.11.2024, in the tabular calculation, the monthly interest has been calculated/mentioned w.e.f 07.02.2015.

3. It is the contention of respondent that by additionally computing monthly interest from 07.02.2015, the same period is being subjected to interest twice, resulting in duplication and an unintended excess financial burden upon the respondent. Correct date for commencement of monthly interest ought to be 04.12.2024 (the month following the date of order dated 04.11.2024) and not 07.02.2015. Therefore, it is prayed by the ld. counsel that the said error may kindly be rectified in the interest of justice by making necessary modifications/substituting the correct date.

4. No one has put in appearance on behalf of the complainant to present arguments/objections on rectification application.

5. Authority taking cognizance of the typographical/clerical error in date of monthly interest mentioned in calculation part of disposal order dated 04.11.2024 passed in captioned complaint has decided to re-open the case for necessary rectification. Relevant portion of order is reproduced in para 1 of this order.

6. At this stage, 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."*

7. On perusal of complaint file, Authority observed that the calculation of monthly interest is correct, however the exact date from which monthly interest has to be paid is inadvertently written as '07.02.2015' instead of **correct date '04.12.2024'.**

8. The clerical error, can be rectified by virtue of Section 39 of RERA Act, 2016. Accordingly, the present application for correction/modification of the date of monthly interest as '04.12.2024' at in table of para 25 stands allowed.

Respondent is directed to pay monthly interest of ₹ 21,694/- commencing from 04.12.2024.

9. Said rectification shall be read as an integral part of the final/disposal order in the captioned complaint.

10. **Disposed of**. File be consigned to record room after uploading of order on website.

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CHANDER SHEKHAR
[MEMBER]

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DR. GEETA RATHEE SINGH
[MEMBER]

....
NADIM AKHTAR
[MEMBER]

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PARNEET S. SACHDEV
[CHAIRMAN]