HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

(Reopened for deciding application u/s 39 of RERA Act, 2016)
COMPLAINT NO. 424 of 2025

Abhay Maheshwari and Ravi Sharma .....COMPLAINANTS

Versus

TDI Infrastructure Ltd. .....RESPONDENT

CORAM:	**Parneet S Sachdev**	**Chairman**
	Nadim Akhtar	**Member**
	Chander Shekhar	**Member**

Date of Hearing: 17.09.2026

Hearing: 1st (re-opened)

Present:- Mr. Yogesh Kumar Goyal, counsel for the complainants through VC.
None for the respondent.

ORDER (PARNEET S SACHDEV - CHAIRMAN)

1. The present application dated 22.07.2026 has been filed by the learned counsel on behalf of the complainants seeking rectification of the order dated 10.07.2026 passed by the Authority under Section 39 of the Real Estate (Regulation and Development) Act, 2016.

2. It is relevant to mention that the complainants have submitted that while passing the order dated 10.07.2026, the Authority recorded that the total sale consideration of the unit was ₹23,85,000/- and that the

complainants had paid a total amount of ₹23,84,376/- to the respondent. It has been contended that despite these findings, the operative portion of the order inadvertently calculated the delay interest on ₹21,66,251/- instead of ₹23,84,376/-.

3. The complainants have further submitted that there is no discussion or finding in the order restricting the principal amount to ₹21,66,251/-. It has been stated that the amount of ₹21,66,251/- pertains only to the amount reflected in the revised statement of account as on 07.07.2007, whereas a subsequent payment of ₹2,18,125/- was made on 04.09.2009 against Installment No. 8 and EDC-4. The said payment was allegedly acknowledged by the respondent vide Receipt No. 120803 and has also been recorded in the order. Accordingly, rectification of the operative portion has been sought for calculation of delay interest on ₹23,84,376/- instead of ₹21,66,251/-.

4. Perusal of the office record and the disposal order dated 10.07.2026 reveals that the issue regarding the amount on which delay interest was to be calculated was specifically considered by the Authority. Para 31 of the said order clearly records the basis for such calculation, which reads as under.

"31. The complainants have pleaded that a total amount of ₹23,84,376/- was paid to the respondent. However, a perusal of the statement of account dated 07.07.2007 placed on record by the

complainants shows that the amount actually reflected as paid to the respondent is ₹21,66,251/-.

Accordingly, the interest has been calculated on the amount of ₹21,66,251/-."

5. Thus, the amount of ₹21,66,251/- was not mentioned inadvertently. The same was specifically determined by the Authority on the basis of the statement of account available on record and was made the basis for calculation of delay interest. The present application, therefore, seeks reconsideration of the said determination.

6. At this stage, it is pertinent to mention Section 39 of the Real Estate (Regulation and Development) Act, 2016 that 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. 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."

7. The expression "record" under Section 39 encompasses the documents and proceedings forming the basis of the order as available before the Authority at the time of adjudication. The rectification jurisdiction cannot be invoked to introduce additional material or to seek reconsideration of a determination already made on the basis of the record.

8. In the present case, the disposal order dated 10.07.2026 was passed after consideration of the material available on record. The basis for calculating delay interest on ₹21,66,251/- was expressly recorded in para 31 of the said order. The complainants are now seeking consideration of the subsequent payment of ₹2,18,125/- and modification of the amount determined for calculation of interest.

9. Such exercise would require reconsideration and modification of the substantive determination made in the disposal order. Such an exercise cannot be treated as a mistake apparent from the face of the record. The present application does not disclose any mistake apparent from the record warranting exercise of jurisdiction under Section 39 of the Real Estate (Regulation and Development) Act, 2016.

10. In view of the foregoing discussion, the present application seeking rectification of the final order dated 10.07.2026 is devoid of merit and is hereby rejected.

11. 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]

NADIM AKHTAR
[MEMBER]

PARNEET S SACHDEV
[CHAIRMAN]