IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

134

CM Nos.12997 to 12999-C of 2025 in/and
Rera Appeal No.156 of 2025 (O&M)
Date of decision: October 30th, 2025

Daljit Singh Dalal

.....Appellant

Versus

M/S VSR Infratech Pvt. Ltd.

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rajender Singh Malik, Advocate
for the applicant-appellant.

VIKAS BAHL, J. (ORAL)

CM No.12999-C-2025

1. This is an application filed under Section 151 CPC for revival of the appeal and recalling of order dated 08.10.2025.

2. For the reasons stated in the application which is duly supported by an affidavit, the present application is allowed and order dated 08.02.2025 is recalled and the main case is restored to its original number and is taken on Board today itself.

Rera Appeal No.156 of 2025 (O&M)

3. Challenge in the present appeal is to the order dated 29.08.2023 vide which the application dated 01.03.2023 filed for rectification/clarification of the decree dated 07.02.2019 has been dismissed. Challenge is also to the order dated 02.08.2025 vide which the appeal filed against the order dated 29.08.2023 has also been dismissed.

ARGUMENTS ON BEHALF OF THE APPELLANT:

4. Learned counsel for the appellant has submitted that vide order dated 07.02.2019, the Haryana Real Estate Regulatory Authority, Gurugram

(hereinafter referred to as 'the Authority'), while adjudicating the complaint filed by the present appellant, had given direction to the respondent to refund the entire amount paid by the complainant/appellant along with prescribed rate of interest at the rate of 10.75% per annum within 90 days. It is submitted that although the Authority had passed the order granting simple interest, but subsequently, in execution proceedings, the Executing Court, on the basis of the calculation given by the appellant and also as per the office report, had stated that the total amount to be paid by the judgment debtor to the decree holder comes out to be ₹81,04,913/-. It is submitted that the Executing Court had calculated the said amount by compounding the interest on monthly basis. It is submitted that in view of the order dated 22.01.2021 passed by the Executing Court, the appellant-decree holder had filed the application dated 01.03.2023 for rectification/clarification of the decree dated 07.02.2019 passed by the Authority, which had been dismissed and the appeal had also been dismissed. It is submitted that the impugned orders are against law and deserve to be set aside and the application filed by the appellant dated 01.03.2023 is in accordance with law and deserves to be allowed.

ANALYSIS AND FINDINGS:

5. This Court has heard learned counsel for the appellant and has perused the paper book and finds that the impugned orders deserves to be upheld and the application filed by the appellant-decree holder, apart from being barred by limitation and not maintainable, was also meritless. The detailed reasons regarding the same are given hereinbelow.

6. It is not in dispute that the complaint dated 29.07.2018, filed by the present appellant under Section 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as 'the Act') read with Rule

28 of the Haryana Real Estate (Regulation and Development) Rules, 2017 was adjudicated by the Authority vide order dated 07.02.2019. The relevant portion of the said order is reproduced hereinunder:

> *"Directions of the authority*
>
> *38. After taking into consideration all the material facts as adduced and produced by both the parties, the authority exercising powers vested in it under section 37 of the Real Estate (Regulation and Development) Act, 2016 hereby direct the respondent to refund the entire amount paid by the complainant along with prescribed rate of interest @10.75% per annum within 90 days from the date of decision.*
>
> *39. As the project is registerable and has not been registered by the promoter, the authority has decided to take suo-moto cognizance for not getting the project registered and for that separate proceeding will be initiated against the respondent under section 59 of the Act ibid. A copy of this order be endorsed to registration branch for further action in the matter.*
>
> *40. The order is pronounced.*
>
> *41. Case file be consigned to the registry."*

7. Thereafter, as has been stated in the order dated 29.08.2023, complainant filed an application for rectification of the decree dated 07.02.2019 and the relevant para of the order passed in the same is reproduced hereinbelow:

> *"It is ordered that the respondent shall refund the entire amount paid by the complainant i.e., Rs.33,72,970/- along with the prescribed rate of interest @ 10.75% per annum within 90 days from the date of decision."*

A perusal of the above orders would show that the substantial relief given to the appellant was the refund of the entire amount along with prescribed rate of interest i.e. 10.75% per annum within 90 days. It is the own case of the appellant before this Court that the same is simple interest. Moreover, there is nothing to indicate in the abovesaid direction that the interest is to be compounded. It is also not in dispute that no appeal was filed against the order dated 07.02.2019 by the appellant and the same had thus attained finality.

8. That after the period of more than four years, application dated 01.03.2023 was filed for rectification/clarification of the order dated 07.02.2019. The Authority vide order dated 29.08.2023 had observed that there was no provision in the Act, which empowered the Authority to rectify/clarify its order and the only provision which deals with rectification of the order is Section 39 of the Act, and that the scope and ambit of the said section is very limited. It was further observed that as per the said provision, the rectification of the said order is to be done within a period of two years from the date of the order passed under the Act and only the mistake which is apparent on the record is to be rectified and no rectification can be made, in case, the application for rectification is filed after two years or where an appeal has been preferred or where a substantive part of the order is sought to be amended. The relevant portion of the said order is reproduced hereinbelow:

> *"7. The authority observes that firstly, the there is no provision in the Act which empowers the authority to clarify its order. Secondly, there is provisions under section 39 of the Act which deals with rectification of the order, however, the ambit and scope of section 39 of the Act is very limited. The authority observes that section 39 deals with the rectification of orders which empowers the authority to make rectification within a period of 2 years from the date of order made under this Act and the authority may rectify any mistake apparent from the record and make such amendment, if the mistake is brought to its notice by the parties.* ***However,***

rectification cannot be allowed in three cases, firstly, when the application for rectification is filed after 2 years from the date of the order made under this Act, secondly, orders against which appeal has been preferred, thirdly, to amend substantive part of the order. The relevant portion of said section is reproduced below:

> ***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."***

8. *A reference in this regard may be made to the ratio of law laid down by the Haryana Real Estate Appellate Tribunal in case of Municipal Corporation of Faridabad vs. Rise Projects vide appeal no. 47 of 2022; decided on 22.04.2022 and wherein it was held that the authority is not empowered to review its orders.*
9. *The present complaint was disposed of by the authority on 07.02.2019 and the respondent has filed the present application on 01.03.2023 which is after the limitation period of 2 years as provided under section 39 of the Act. Thus, in view of the legal position discussed above, there is no merit in the application dated 01.03.2023 filed by the complainant for rectification/clarification of order and decree dated 07.02.2019 passed by the authority and the same is hereby declined.*
10. *File be consigned to the registry."*

9. That the appeal filed by the appellant against the said order was dismissed on 02.08.2025 and the Appellate Authority had reiterated the fact that the application under Section 39 of the Act was filed beyond the statutory period of two years and that the appellant was seeking modification of substantive part of the order. It was observed that the application was rightly dismissed by the learned Authority, Gurugram and there was no legal

infirmity in the said order.

10. In the present case, it is not in dispute that the complaint had been disposed of by the Authority on 07.02.2019 and the application had been filed by the appellant on 01.03.2023, which is beyond the statutory period of two years as prescribed under Section 39 of the Act for rectification of orders. No provision of law or judgment has been cited before this Court to show that the application in question could have been entertained even after the period of two years had lapsed. Thus, both the impugned orders are in accordance with law and deserve to be upheld on the said ground alone. Moreover, once it is the own case of the appellant before this Court that the order dated 07.02.2019 granted simple interest to the present appellant, which order has attained finality, seeking compound interest would be equivalent to seeking to amend the substantive part of the order, which is also not permissible and the said aspect had also been rightly held against the present appellant by the Authority and the Tribunal. Merely because some order had been passed in the execution proceedings, regarding which also, there is no detailed calculation submitted before this Court, the same cannot be a ground to rectify the original order passed by the Authority, rather the Executing Court is bound to execute the original order passed by the Authority. It would be relevant to note that the argument raised on behalf of the appellant before this Court, as has been noted in paragraph 4 of the present order to the effect that the Executing Court had calculated the amount by compounding the interest on monthly basis is contrary to the averments made in the application dated 01.03.2023 (Annexure A-7), wherein it has been stated in paragraph 1, that the Executing Court has erred in ruling that the decree is for simple interest. At any rate, since the application was barred by limitation and was primarily

rejected on the ground of limitation and the said ground has not been shown to be illegal or perverse, the impugned orders deserve to be upheld. Moreover, on a pointed query raised by this Court, it has been fairly stated by the counsel for the appellant that the appellant has already received the entire amount along with interest, as ordered by the Authority vide order dated 07.02.2019.

11. Keeping in view the abovesaid facts and circumstances, the impugned orders are upheld and the present appeal is dismissed.

12. Pending applications stand disposed of.

October 30th, 2025 (VIKAS BAHL)
Puneet JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes