



GOA REAL ESTATE REGULATORY AUTHORITY
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F.No:3/RERA/Complaint (485)/2025/1163 Date:06/08/2026

Coram: Shri Vincent D'Silva, Hon'ble Member-Goa RERA

Sonia Singh Bhardwaj,

N14 29H, First Floor,

DLF Phase 2,

Gurgaon, Haryana-122002.

.....Complainant

Versus

Aansav Realty & Infrastructure Pvt. Ltd.

Through its managing Director,

Mr. Aatish Anoop Babani,

106, WDC Enclave,

Mabai Hotel Complex, Near Grace Church,

Margao, Salcete-Goa, 403601.

.....Respondent

Ld. Advocate Shri Neelesh Takkekar along with Ld. Advocate Shri Saish Mandrekar for the complainant.

Ld. Advocate Shri Pritesh Shetty for the respondent.

ORDER

(Delivered on this 06th day of the month of August, 2026)

This order shall dispose of the application filed by the complainant at exhibit 449/c for correction of clerical/typographical error in the order dated 23.04.2026.

2. Briefly stated, the case of the complainant is as follows:

The complainant had filed the present complaint before this Hon'ble Authority alleging various issues with respect to the building complex which is known and identified as "AANSAV VERDE PHASE-III" situated at Varca, Salcete and also with respect to the apartment/flat premises which was allotted to the complainant in the said complex and that upon hearing arguments on behalf of the respective advocates representing the parties, the Hon'ble Authority was pleased to pass an Order dated 23.04.2026 in favour of the complainant.

3. The complainant recently received the copy of the appeal memo along with the documents from the respondent filed before the Hon'ble Maharashtra Real Estate Appellate Tribunal at Mumbai challenging the subject Order dated 23.04.2026 passed by this Authority and it is learnt by the complainant that there is a typographical error while uploading of the final Order dated

23.04.2026 passed by this Hon'ble Authority with respect to Para 50(ii) where the entire direction/order of grant of interest on delayed possession is not reflected, although the same is found mentioned in Roznama of court file and that while dictating the Order dated 23.04.2026, the Authority had also been pleased to grant interest to the complainant on the delayed possession and the same was also written in the Roznama of the Court file. However; in the Order which is uploaded on RERA website does not reflect the entire direction/order of grant of interest on delayed possession on Page 27 of the Order dated 23.04.2026.

4. The respondent has filed a reply inter-alia contending that the application is not maintainable as the alleged correction in Order dated 23.04.2026 is not maintainable as the final Order was passed on 23.04.2026, against which the respondent has already filed an appeal in MAHAREAT at Mumbai on 16.06.2026 after obtaining the certified copy of the Order dated 23.04.2026. The present application is not maintainable as once an appeal is filed before the Appellate Authority within time, the Authority which has passed the order becomes functus officio and cannot entertain any application whatsoever nature under first proviso of Section 39 of the Act.

5. Arguments heard.

6. Ld. Advocate Shri Neelesh Takkekar for the complainant has submitted that second proviso of Section 39 clearly stipulate that the Authority while rectifying any mistake apparent from record shall not amend substantive part of its order passed under the provision of the Act. The order passed dated 23.04.2026 contains a typographical error while uploading of the final order with respect to Para 50(ii) where the part of the directions with respect to grant of interest is not reflected, although the same is mentioned in the Roznama of the court file. The said mistake does not amount to the review of the order, which is apparent from the record nor it varies the terms of the order passed earlier and therefore the order can be rectified within the ambit of second proviso of Section 39 of the Act.

7. Per contra, Ld. Advocate Shri Pritesh Shetty for the respondent has submitted that the present application is not maintainable as the final order was passed on 23.04.2026 to which the respondent has already filed an appeal in MahaREAT, Mumbai on 16.06.2026 and that the said order cannot be rectified in view of first proviso of Section 39 of RERA Act which states that no amendment shall be made in respect of any order against which the appeal has been

preferred under the Act. He further submitted that after passing of the order, the Authority becomes functus officio and thus is not entitled to vary the terms of the order earlier passed and therefore, the application is not maintainable.

8. Section 39 of the Real Estate Regulatory Authority Act, 2016 deals with Rectification of Orders. It states that 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.

9. A bare reading of the above second provision of Section 39 of the Act would indicate that the Authority can rectify any mistake

apparent from the record or amend any order passed by it, if the mistake is brought to its notice by the parties and that the application does not involve amendment to the substantive part of the order passed under the provision of this Act. Regulatory Authority is not empowered to alter or amend the substantive portion of the order, nor, can it undertake a fresh determination/hearing of the matter on merits by reappraisal of the evidence. The scope of Section 39 is restricted and expressly precludes any re-adjudication of the case by amending substantive part of the Order. The object of the provision is not to reopen concluded adjudication, on facts, but merely to ensure that inadvertent errors, apparent on the face of the record, do not defeat the true intent of the order.

10. In the instant case, the order disposing of the complaint was passed on 23.04.2026 and that the respondent being aggrieved by the said order filed an appeal before Hon'ble MahaReat at Mumbai challenging the subject Order dated 23.04.2026. Needless to mention, the first proviso of Section 39 of the Act prohibits amendments being made, if the appeal is already filed, however, the second proviso prescribes that only mistakes that are apparent from record can be rectified, but it does not permit the amendment of any substantive part

of the order. The present case clearly falls in the second proviso of Section 39 of the Act as there is merely a typographical error while uploading of the final Order dated 23.04.2026 passed by the Authority with respect to Para 50 (ii) where the entire direction/order of grant of interest on delayed possession is not reflected, although the same is found mentioned in Roznama of court file which was signed by the counsels of the contesting parties. The payment of delayed interest by the respondent to the complainant is also clearly mentioned in Para 47 of the said order. The accidental omission is therefore obvious, clear, and self-evident which is visible from the existing record of the case, which does not require re-appreciation of evidence, re-examination of disputed facts, or a fresh adjudication on merits.

11. The proposed accidental omission/missing portion has occurred in Para 50(ii) on page 27 of the order passed by the Authority on 23.04.2026, where the entire direction/order of grant of interest on delayed possession is not reflected, although the same is found mentioned in Roznama of court file as well as Para 47 of the order dated 23.04.2026. The proposed accidental omission/mistake where part of the order in Para 50(ii) found missing while uploading the

order is highlighted in italics and the remaining underlined portion is already found reflected on page 27 of the order as shown below:

“The respondent is also directed to pay interest @ 10.80% to the complainant for every month of delay, on the sum of ₹. 44,07,351/- (Rupees forty-four lakhs, seven thousand, three hundred and fifty-one only) from 10th July, 2018 till handing over of valid and legal possession of the said apartment and execution of sale deed in favour of the complainant.”

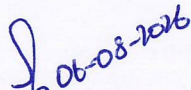
12. The application filed by the complainant clearly indicates that it is a typographical mistake while uploading of the final order with respect to Para 50(ii) where the part of the directions with respect to grant of interest is not reflected, although the same is mentioned in the Roznama of the court file as well as in Para 47 of the said order and therefore, the application is only aimed in correcting accidental omission occurred during uploading of the said order, on the website of the Authority. The omission sought to be corrected does not go to the merits of the case nor is it beyond the scope and ambit of second proviso of Section 39 of the Act.

13. The application filed by the respondent in no manner seeks to review or re-adjudicate the substantive part of the order nor it amounts to review of the said order as there is apparent accidental omission/mistake from the record as stated above and the said omission sought to be corrected does not require re-appreciation of evidence, re-examination of disputed facts and the same can be corrected under second proviso to Section 39 of the Act and therefore, the objection and submissions of the respondent as stated above cannot be accepted having any merits and therefore, the application deserves to be granted.

14. Having said so, I pass the following:

ORDER

- (i) The application filed by the complainant at exhibit 449/c stands allowed.
- (ii) Issue corrigendum to Page 27, Para 50(ii) of the order dated 23.04.2026 passed by the Authority, as stated in Para 11 above.


(Vincent D'Silva)
Member, Goa RERA

Panaji, Goa.
Date: 06.08.2026.