

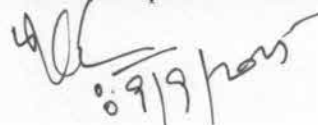
Ramesh Kumar etc. Vs M/s. Barnala Builders & Property
Consultants

Ex/AO/87/2021 in
Complaint No.GC No.1635/2020
RT/AO/0101/2020

Present: Mr. Mohammad Sartaj Adv for complainants/DHs.
Mr.A.S.Sandhu Advocate, for the respondent/JD.

A complaint under Section 31 of the Real Estate (Regulation & Development) Act 2016, (Complaint GC No.1635 of 2020) was moved by Ramesh Kumar and Anu Sharma complainants, against respondent Barnala Builders and Property Consultants, Maya Garden City, Zirakpur, District SAS Nagar Mohali. It was decided by the Adjudicating Officer i.e predecessor of the undersigned vide order dated 06.05.2021. Complainants were allowed refund of an amount to the tune of Rs.32,46,136/- plus interest alongwith compensation of Rs.1,25,000/-.

2. Execution Application bearing No.Ex/AO/87/2021 was filed by the complainants against the respondent to execute the said order dated 06.05.2021 passed in their favour. During pendency of the execution application, an application to review the order dated 06.05.2021 was filed by respondent. Even in other two cases, similar applications to review the orders were also filed by respondent. All these applications including application pertaining to the case in hand, were decided by this Bench vide common order dated 08.08.2023, vide which all the review applications were dismissed. Objections of the respondent were also dismissed. On the basis of recovery certificate, the amount in question was ordered to be recovered by way of land revenue and process in this regard was

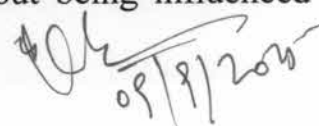

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issued in the name of District Collector-Cum-Deputy Commissioner SAS Nagar, Mohali.

3. Having felt aggrieved with the above said orders passed by this Bench, respondent had preferred Civil Revision Petition 3308-2025 which was disposed of by our Hon'ble High Court after hearing both the parties vide order dated 30.07.2025, operative part of which i.e Para No.6 reads as under:-

“Keeping in view the above said facts and circumstances and the fair stand taken by the learned counsel for the petitioner as well as learned counsel for the respondents, the present petition is partly allowed with the following directions/observations:-

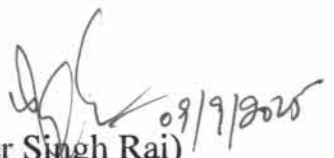
- i) The impugned order dated 08/0-8.2023 (Annexure P-8), order dated 08.08.2023 (Annexure P-9) and the recovery certificate dated 08.09.2023 (Annexure P-10) are set aside.
- ii) The respondents would be entitled to encash the two demand drafts totalling Rs.1,25,000/-.
- iii) It would be open to the respondents to institute fresh proceedings before the Regulatory Authority in accordance with the judgment of the Hon'ble Supreme Court of India in the case of *Newtech Promoters and Developers Private Limited (supra)* and in case any such proceedings are instituted, the present petitioner would not raise the plea of res judicata or the plea of limitation and the Regulatory Authority would decide the said proceedings on merits, independently, in accordance with law, without being influenced of the


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observations in the earlier order dated 06.05.2021 and after hearing all the parties concerned, as expeditiously as possible”.

In the light of above said order dated 30.07.2025 of our Hon'ble High Court, it is crystal clear that through the execution application in hand, decree holders/complainants are entitled only to the amount of Rsd.1,25,000/- i.e compensation, allowed vide order dated 06.05.2021 passed by this Bench. This amount has already been paid to the decree holders through two demand drafts, handed over to the learned counsel for the decree holders in the Hon'ble High Court, as is clear in Para No.2 of the said order dated 30.07.2025. Accordingly this execution application stands disposed of having been satisfied qua amount of Rs.1,25,000/-. File be consigned to the record room, after due compliance as per rules.

Pronounced
09.09.2025


(Rajinder Singh Rai)
Adjudicating Officer,
RERA, Punjab