

Rohit Ralh

V/s

PUDA

RERA/Exe. No.05 of 2023
in GC No.1270 of 2019

Present S/Sh. Sanjeev Gupta and Ripudaman Singh, Advocates,
representatives for the complainant/DH
S/Shri Bhupinder Singh and Balwinder Singh Advocates
for the respondent/JD


The present execution application has been filed by the applicant/DH under Section 40 of the Real Estate (Regulation & Development) Act, read with Rule 24 & 25 of the Punjab Real Estate (Regulation & Development) Rules, 2017, for execution of second part of the order dated 22.10.2019 passed by the Real Estate Regulatory Authority, in the main complaint **GC No.1270 of 2019 titled Rohit Ralh Vs Punjab Urban and Development Authority (PUDA)** under Section 31 of Real Estate (Regulation and Development) Act, 2016 whereby the respondent was directed to pay interest w.e.f. 22.02.2018 i.e. the date by which possession was promised to be offered, as per State Bank of India highest marginal cost of lending rate plus 2% till the date of order. In the second part, the respondent was directed to pay interest to the complainant from the date after the date of this order till the date of offer of possession of the flat to the complainant as per State Bank of India highest marginal cost of lending rate + 2%. The respondent was further directed to handover the possession only after levelling the site as per prescribed norms to the satisfaction of the complainant.

It is submitted by the decree holder that the judgment debtor had complied with the first part of the order dated 22 10 2019 and had paid the interest for the

the judgment debtor to offer the effective possession of the plot in question.

Notice of the execution application was issued to the respondent/JD who appeared and filed reply/objections to the execution application primarily pleading that possession certificate of the plot in question had already been issued to the complainant on 23.12.2020. However, the applicant with a view to gain interest from the public fund was avoiding possession on one pretext or the other without any reasonable cause. Prayer was accordingly made for dismissal of the execution application.

Heard. It is being submitted by counsel for the respondent/ JD that they have challenged the order of the Real Estate Appellate Tribunal in the Hon'ble Punjab & Haryana High Court and the appeal therefore was pending there although no stay order has been passed nor has been conveyed. It is needless to mention here that recovery if any effected under execution of the decree would be subject to outcome of any decision in appeal. Counsel for the respondent/ JD submitted that offer of possession was given to the complainant/DH on 23.12.2020. While on the other hand Id. counsel for the complainant/ DH submitted that the said offer of possession could not be considered as a valid offer inasmuch as the possession was not offered as per directions given in the order dated 22.10.2019 wherein it was specifically mentioned that the possession will be handed over only after levelling the site as per prescribed norms to the satisfaction of the complainant. Furthermore, the perusal of letter dated 27.07.2022 would show that sewerage line in respect of plot No.1 to 408 was

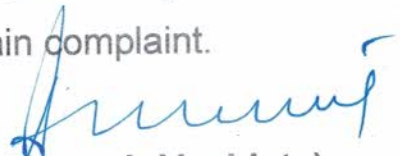


the counsel for the DH that after offer of possession letter dated 23.12.2020, letters were also written to the JDs to complete the pending work but neither any reply to the letters were filed nor the pending works were completed. Therefore, the offer of possession letter dated 23.12.2020 could not be considered a valid offer.

Perusal of the file shows that during the pendency of the present execution application, possession of the plot in question was handed over by the JD to the Decree holder on 28.06.2023 after completion of the pending work. Therefore, the JDs are liable to pay the interest from 21.03.2020 till 28.06.2023, when actual possession of the plot was handed over to the DH.

Accordingly, the execution application is **allowed**. Legal Branch is directed to facilitate the issuance of Recovery Certificate in accordance with the provisions of [Section-40 (1) and 84(2)(r)] of the Real Estate (Regulation and Development) Act, 2016 to District Collector-cum-Deputy Commissioner concerned for realisation of the due amount as the arrears of land revenue after getting fresh report of F&A Branch regarding exact due amount from the respondent/JD as per the Final Order dated 22.10.2019 passed by the Real Estate Regulatory Authority, in the main complaint.

Chandigarh
Dated: 23.09.2025


(Arunvir Vashista),
Member, RERA, Punjab