

Manjit Singh

V/s

PUDA

RERA/Exe. No.17 of 2023
in GC No.1296 of 2019

Present S/Sh. Sanjeev Gupta and Ripudaman Singh, Advocates,
representatives for the complainant/DH
None 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.1296 of 2019 titled Manjit Singh 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. 20.03.2018 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 pay interest to the complainant from the date after the date of 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%.

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 amount of Rs.11,96,310/- as interest for the period w.e.f. 20.03.2018 (stipulated date of possession) upto 22.10.2019 (date of order) and from 23.10.2019 till 20.03.2020. And, prayer

was made for giving directions to the judgment debtor to offer the valid 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 30.12.2020. 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. A prayer was accordingly made for dismissal of the execution application.

Heard. It has been submitted by the learned counsel for the decree holder that although respondent side had gone into an appeal against the orders of learned Appellate Tribunal, in the Hon'ble High Court, yet there is no stay whatsoever granted by the Hon'ble High Court restraining execution of the order under appeal. Mere pendency of appeal furnishes no valid reason to the executing court for not proceeding ahead with the execution of the order under appeal unless operation of the order/judgment/decreed itself is specifically stayed. It is needless to mention here that whatever recovery if effected would be subject to outcome of any decision in appeal.



While on the other hand ld. counsel for the complainant/ DH submitted that the said offer of possession could not be considered as a valid offer of possession since the said offer of possession was issued without obtaining completion certificate and further there was no connectivity to the main road and sewerage line in respect of plot No.1 to 408 was connected only after the land was handed over to the Engineering Wing on 20.04.2022 after acquisition of revenue Rasta land. After the alleged offer of possession dated 30.12.2020 the decree holder also written letter dated 28.03.2022 vide

which various deficiencies in the development were pointed out to the respondent/ JD. But the respondent/ JD never replied to the said letter. Even the sale deed was executed on 4th of July, 2022 without handing over actual physical possession of the plot in question and it is during pendency of the execution the possession was handed over to the complainant/ DH on 23.08.2023.

In view of the above discussion, the offer of possession allegedly issued vide letter dated 30.12.2020 by the respondent/JD could not be considered as valid offer and the JD/ respondent is liable to pay interest from 21.03.2020 till 23.08.2023 when actual physical possession was handed over to the complainant/ 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