

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CR-1084-2022 (O&M)
Decided on : 28.03.2022**

Sujatha Raghunandan

. . . Petitioner(s)

Versus

Adjudicating Officer, RERA Punjab through
Executive Director, RERA Punjab and another

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Himanshu Raj, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

This order shall dispose of CR-1084-2022 and CR-1087-2022, as the issue involved both the civil revision petitions is similar. However, the facts are being extracted from CR-1084-2022.

The instant revision petition has been filed under Article 227 of the Constitution of India, seeking directions to respondent No.1 to decide the Execution Application No.25 of 2021, titled as, “Sujatha Raghunandan Vs. ATS Estates Private Limited”, within the stipulated time period of 60 days from the date of filing of the present revision petition.

Learned counsel for the petitioner submits that a civil revision was earlier filed by the petitioner(s) before this Court with the prayer to direct respondent No.1 to decide their complaint within the stipulated time period of 60 days. Thereafter, learned Adjudicating Officer i.e. respondent No.1 vide order dated 19.03.2020 disposed of the said case by directing respondent No.2 to handover the principal amount of Rs. 26,21,250/- along

with interest @ State Bank of India highest marginal cost of lending plus

2% from the date of respective payments till realization and Rs. 1,25,000/- on account of mental agony and litigation cost of Rs. 2,00,000, within sixty days from the date of the said order. Since respondent No.2 failed to comply with the order dated 19.03.2020, the petitioner(s) filed the execution application on 08.04.2021 bearing EA No. 25 of 2021, before respondent No.1 under Section 40(2) of the Real Estate (Regulation and Development) Act, 2016 (for brevity 'RERA Act') read with Rule 25 of the Punjab State Real Estate (Regulation and Development) Rules, 2017 read with Order 21 Rule 37 & 38 of CPC, 1908, for execution of the judgment and decree dated 19.03.2020, passed by respondent No.1.

Learned counsel submits that respondent No.1 was to decide the said execution application within a time span of 60 days, as stands stipulated in Section 71(2) of the RERA Act, however, it had failed to do so, as a result of which, it had added to the sufferings of the petitioners.

I have heard learned counsel for the petitioner(s) and perused the relevant material on record.

Learned counsel has placed a great deal of reliance on the provisions of Section 71(2) of the RERA Act to urge that the execution application should have been decided within 60 days, as per the mandate of law. It would be thus apposite to reproduce Section 71(2) of the RERA Act, which is as under:-

“71(2). The application for adjudging compensation under sub-section (1), shall be dealt with by the adjudicating officer as expeditiously as possible and dispose of the same within a period of sixty days from the date of receipt of the application:

Provided that where any such application could not be disposed of within the said period of sixty days, the adjudicating officer shall record his reasons in writing for not

disposing of the application within that period.”

A reading of the aforementioned provisions just provides that the application for adjudging compensation under sub-section (1) of Section 71 of the RERA Act, has to be decided expeditiously within a period of 60 days from the date of its receipt. The provisions of the aforesaid section do not even by way of a whisper stipulate any time period with respect to the execution proceeding.

As a sequel to the above, this Court does not find any merit in the instant revision petition and the same is hereby stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

March 28, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*