

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH  
124**

**CWP-472-2023**

**Date of decision: 24.01.2023**

**NIDHI BHARDWAJ**

**.....PETITIONER**

**Versus**

**STATE OF PUNJAB AND OTHERS**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI  
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Vipin Kumar, Advocate,  
for the petitioner.

Mr. V.G. Jauhar, Addl. A.G. Punjab,  
for the State.

**AUGUSTINE GEORGE MASI, J. (ORAL)**

Petitioner had approached this Court with a grievance that despite the Recovery Certificate having been issued in an Execution Petition, which was preferred under Section 40 of the Real Estate (Regulation and Development) Act, 2016, the amount of Rs, 8,78,319/- as found due towards the petitioner payable by ATS Infrabuild Pvt. Ltd. SAS Nagar, Mohali-respondent No. 3, has not been paid to her.

Affidavit of the Deputy Commissioner, SAS Nagar, Mohali dated 24.01.2023 has been filed, where in Para Nos. 4 to 6, it has been stated as follows:-

“4. That during the procedure of the recovery, the Tehsildar, Mohali issued the notice to the concerned party and further, Shri Pramod Kumar, General Manager of ATS Infrabuild Pvt. Ltd. (Respondent No. 3) got his statement recorded before the office of the Tehsildar, Mohali that he will clear the claim

within a period of 15 days. But since no recovery amount was deposited by the concerned officials of Respondent No. 3, the Tehsildar, Mohali sent a letter to the concerned Halqa Patwari for attaching the property of Respondent No. 3-M/s ATS Infrabuild Pvt. Ltd.

5. That the Tehsildar, Mohali vide his Letter No. 2 dated 13.01.2023 wrote to the Deponent that as per the report of the concerned Halqa Patwari, it came to notice that there is no ownership of land in the name of ATS Infrabuild Pvt. Ltd. in the revenue estate of Village Bard Majra, Tehsil Mohali. Rather, the Farads which were sent with the file for recovery proceedings contained the name of M/s Shivalik Site Planner Pvt. Ltd. as owners in revenue estate of Village Bard Majra, Tehsil Mohali and hence the recovery proceeding could not be effected. A copy of the Letter dated 13.01.2023 is annexed herewith as **Annexure R/3**.

6. That above mentioned fact was intimated by the Deponent to Respondent No. 4 vide 21/ADRA dated 20.01.2023 and the Deponent has sought further clarification from Respondent No. 4 regarding the case and property, so that further proceedings as per law may be taken. A copy of Letter No. 21/ADRA dated 20.01.2023 is annexed herewith as **Annexure R/4.**”

In the light of the above, we leave it open to the petitioner to move an appropriate application before the Executing Authority i.e. Punjab Real Estate Regulatory Authority, for passing appropriate orders with regard

to the execution/Recovery Certificate.

Writ petition stands disposed of in above terms.

(AUGUSTINE GEORGE MASIH)  
JUDGE

( VIKRAM AGGARWAL)  
JUDGE

24.01.2023  
PJ

|                                  |               |
|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |