

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-16309-2023

Date of decision: 29.11.2023

Rashpal Kaur

....Petitioner

Versus

Ld. Member, Real Estate Regulatory Authority, Punjab Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
 HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Himanshu Raj, Advocate,
 Mr. Pranav Goyal, Advocate,
 Mr. Anshu Chaudhary, Advocate,
 for the petitioner.

ARUN PALLI, J.(Oral)

The petitioner has prayed for the following substantive relief:-

“Civil Writ Petition under Articles 226/227 of the Constitution of India, praying for issuance of a Writ in the nature of Mandamus, directing the Respondent, i.e. Ld. Member, Real Estate Regulatory Authority, Punjab, to decide the execution petition No.88 of 2022 (Annexure P-1) Titled “Gurjit Singh and Anr. Versus ATS Infra-build Pvt. Ltd. and Ors”. within a reasonable time period of ‘two months’ from the date of filing of the present civil writ petition so that the ‘mandatory guidelines’ issued by the Hon’ble Apex Court in re: Rahul S Shah Versus Jindendra Kumar Gandhi and Ors.(supra) qua ‘conclusion’ of the execution petitions within a span of ‘six months’ from the date of filing, be complied with, as the same has been done by this Hon’ble Court in “Sunder Krishnan

Versus Adjudicating Officer, RERA Punjab and Anr.” (Annexure P-3).”

Learned counsel for the petitioner submits that pursuant to the complaint filed by the petitioner under the Real Estate (Regulation and Development) Act, 2016, the competent authority (Real Estate Regulatory Authority, Punjab), accepted the claim of the petitioner. And vide order dated May 09, 2022, required the ATS Infrabuild Pvt. Ltd. and others, to refund the entire amount, in terms of Section 18(1) of the Act, within 90 days of the order, along with interest @ 9.30% per annum (today's highest MCLR rate of 7.30% plus 2%) to be calculated from the dates when the payments were received, till the date of payment. He further submits, for despite the specific directions the order passed by the authority (*ibid*) was not complied with, the petitioner, being choiceless, was constrained to move an execution application. It is urged that though a considerable time has elapsed, but the matter has not made any tangible progress, and the claim of the petitioner remains unaddressed.

Served with the advance copy of the petition, Mr. Gagandeep Singh Wasu, Advocate, for the respondent-RERA, Punjab, is present in Court. He submits that the competent authority had issued the recovery certificate on June, 21, 2023, and eventually, the execution application was also disposed of on August 03, 2023.

Mr. V.G. Jauhar, learned Additional Advocate General, Punjab, present in Court, submits that the attachment proceedings, in terms of the recovery certificate, were initiated and the property in question has since been attached. He further submits that the matter is under consideration of the authorities for finalizing the date of auction, so as to release the amount to the petitioner, to which he is found entitled. It

is submitted that the proceedings shall be concluded as expeditiously as possible. Thus, learned counsel for the respondent as also the State counsel submit that nothing substantive survives in this petition and the same be disposed of, as such.

That being so, learned counsel for the petitioner submits that let this petition be disposed of, in terms of the statements made by learned counsel for the respondent as also the State counsel.

The petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

29.11.2023
Ak Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No