

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 16414- 2023 (O&M)

Date of decision: 31.10.2023

Vinod Kumar Gupta

... Petitioner

vs.

State of Haryana and others

... Respondents

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

Present: Ms. Rajni Bala Rohilla, Advocate, for
Mr. Dinesh Kumar Dakoria, Advocate,
for the petitioner.

Mr. Ankur Mittal, Addl. A.G, Haryana.

Mr. Vivek Sethi, Advocate,
for respondent No.3.

Arun Palli, J (Oral)

The petitioner (Vinod Kumar Gupta) filed a complaint under Section 31 of the Real Estate (Regulation and Development) Act, 2016 read with Rule 29 of the Haryana Real Estate (Regulation and Development) Rule, 2017 against respondent No.3. And, vide order dated 21.10.2021, said complaint was accepted by the Adjudicating Officer, Haryana Real Estate Authority, Gurugram. Accordingly, the respondent was directed to refund the amount paid by the complainant, after deducting forfeitable amount. Further, a direction was issued to pay interest @ 9.3% per annum from the date of request of cancellation, i.e. 23.03.2015, till realization of the amount. Petitioner was also held entitled to the cost of litigation which was quantified as ₹50,000/-. Pursuant to the execution proceedings, the Adjudicating Officer, issued a recovery certificate dated 23.02.2023 for a sum of ₹1,06,27,855.71/-. But, since, the petitioner failed to realize the said amount, even though a considerable time had elapsed, he was constrained to approach this court vide this petition.

Today, learned counsel for the respondent No.3, on instructions, submits that respondent No.3 is ready to disburse the requisite amount immediately, provided the petitioner carries out rest of the

formalities, such as issuance of a cancelled cheque in favour of respondent No.3 and provide the copies of Aadhar Card as also the PAN Card, to enable the authorities to credit the amount in the account of the petitioner. Whereafter, he submits that the petitioner would be obliged to return the original documents of the Unit No.5181 forming part of the project (Tourmaline) situated at Sector 109, Gurugram.

Learned counsel for the petitioner is in agreement with the course suggested by learned counsel for the respondent No.3. She submits that a cancelled cheque to enable respondent No.3 to transfer the amount, shall be furnished within three days from today to the learned counsel for the respondent No.3, along with the copies of the Aadhar Card and PAN Card.

To which, learned counsel for respondent No.3 submits that as soon as the above indicated formalities are carried out, the amount in sync with the recovery certificate shall be transferred in the bank account of the petitioner within three working days thereafter.

Whereupon, learned counsel for the petitioner submits that all the original documents, qua the unit in question, shall be handed over to the learned counsel for respondent No.3 within three days thereafter.

In view of the above consensus, learned counsel for the parties are *ad idem* that the petition be disposed of in the above terms.

Ordered accordingly.

However, in the event of any default, an aggrieved party shall have the liberty to move an appropriate application for restoration of the writ petition and for appropriate/suitable orders.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

31.10.2023
deepak

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