

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

CWP-17031-2023 (O&M)

Date of decision: 29.11.2023

Rakesh Sehgal

....Petitioner

Versus

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)

CM-14078-CWP-2023

Application is allowed, as prayed for.

The documents (Annexures P-4 to P-10) are taken on record.

CWP-17031-2023

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. Real Estate Regulatory Authority,
Punjab, to decide the execution petition No.84 of
2022 (Annexure P-1) Titled “Rakesh Sehgal and
another Versus ATS Infrabuild Pvt.Ltd. and
another” 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 21, 2021, required ATS Infrabuild Pvt. Ltd. to pay interest to the petitioner, in terms of Rule 16 of the Punjab State Real Estate (Regulation and Development) Rules, 2017. 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 out of the total, i.e. Rs.13,27,799/-, an amount of Rs.11,53,000/- has since been disbursed to the petitioner. And, as regards the balance amount, the private respondent has submitted an undertaking before the authority to refund the same on

or before December 20, 2023, the date fixed before the executing court.

Thus, he submits that nothing substantive survives in this petition and the same be disposed of, as having been rendered infructuous.

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

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