

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17841-2023

Date of decision: 29.11.2023

Jyotsna Khanna

....Petitioner

Versus

Ld. Chairperson, 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. Chairperson, Real Estate Regulatory Authority, Punjab, to decide the execution petition No.49 of 2022 (Annexure P-1) Titled “Jyotsna Khanna Versus ATS Estates Pvt. Ltd. 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 Jinendra 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 March 10, 2022, required the ATS Estates 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 has shared with us a copy of the order dated November 24, 2023, passed by the Real Estate Regulatory Authority, Punjab, and submits that the execution application filed by the petitioner was disposed of, in the following terms:-

“16. As a sequel of the above, this Execution Application No.49 of 2022 is accordingly allowed. The respondent is ordered to pay the arrears of interest from 13.04.2019 which comes to Rs.45,17,314.00. Recovery certificate be issued to the District Collector, SAS Nagar, Mohali, Punjab to affect the recovery of the arrears of interest amounting to Rs.45,17,314.00 (as per calculation sheet attached as Annexure-1) from the respondent.

17. It is also made clear that if the order dated 10.03.2022 and this order is not complied with by the respondent within a period of thirty days of the receipt of this order, Registry is directed to initiate proceedings under Section 63 of the Act of 2016 against the respondent.”

Further, he submits that in case the order extracted above, is not complied with, within a period of 30 days, the authority shall initiate proceedings against ATS Estates Private Limited, in terms of Section 63 of the Act of 2016. 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. And, copy of the order dated November 24, 2023, passed by the Real Estate Regulatory Authority, Punjab, is retained on record as ‘Mark X’.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

29.11.2023
Ak Sharma

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