



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.12200 of 2024
Date of decision: 23.05.2024.

Suman Gupta and another

....Petitioners

Versus

Haryana Real Estate Regulatory Authority

....Respondent

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

Present: Mr. Roopak Bansal, Advocate
for the petitioners.

Mr. Ankur Mittal, Advocate
for the respondent.

VIKRAM AGGARWAL, J.

1. The petitioners, once again, are harassed allottees who had booked flats in a project "Parsvnath Pleasant", Dharuhera, Rewari as far back as in the year 2006.

2. As has been observed in a number of cases before us, despite assurances, the petitioners were not handed over the possession of the flats nor was the amount refunded. Forced, they instituted a complaint before respondent No.1 i.e. Haryana Real Estate Regulatory Authority, Panchkula in March, 2021. The complaint was decided on 15.12.2022 and a direction was issued to the builder/colonizer to refund the entire amount to the complainants' within a period of 90 days.

3. As expected, the order was not complied with leading to the filing of an execution petition before the Adjudicating Officer of respondent No.1. The said execution petition came up for hearing for the first time before the Adjudicating Officer on 08.08.2023 and is stated to be still pending with no effective steps having been taken. The grievance of the



petitioners is that the Adjudicating Authority/Executing Court has not taken effective steps and, therefore, seeks a direction to respondent No.1 to expedite and decide the Execution Petition No.1186 of 2023 titled as Suman Gupta and another Vs. Parsvnath Developers Ltd. and another within a period of two months. Reliance in the petition has been placed upon the guidelines issued by the Supreme Court of India in the case of ***Rahul S. Shah Vs. Jinendra Kumar Gandhi and others, 2021(2) R.C.R. (Civil) 854.***

4. We have heard learned counsel for the petitioners as also Mr. Ankur Mittal, Advocate who has caused appearance on advance notice having been served.

5. Learned counsel for the petitioners submits that the petitioners have been running from pillar to post to get a refund of their hard earned money. He asserts that the Executing Authority has not taken any effective step in the execution proceedings. He refers to the orders (Annexures P-3 to P-7) in this regard. Learned counsel submits that in view of the mandatory directions issued by the Supreme Court of India in the case of ***Rahul S. Shah*** (supra), the executing authority is duty bound to conclude the execution proceedings within a maximum period of six months.

6. We have considered the submissions made by learned counsel and have perused the interim orders passed by the Adjudicating Officer, which are on record as Annexures P-3 to P-7. It is extremely unfortunate that all the orders are almost *verbatim* and show that no effective steps at all have been taken for execution of the order passed by respondent No.1. Merely at the asking of the counsel for the judgment-debtor, the matter is being adjourned for the last almost one year. It is not the first case where such



laxity on part of the same Adjudicating Officer has been brought to our notice. Authorities such as respondent No.1 were established with the sole purpose of providing timely and effective relief to home buyers/investors apart from decision on other issues as envisaged under the legislation. However, with passing of such orders and dealing of time sensitive issues with such laxity, the purpose gets defeated. We find absolutely no justification on the part of the Executing Authority for simply adjourning the execution petition at the mere asking of the counsel for the judgment-debtor.

7. Without commenting any further, we request respondent No.1 to sensitise the concerned authority to dispose of the execution petition as expeditiously as possible which the Executing Authority is even otherwise duty bound to do in view of the mandatory guidelines issued by the Supreme Court of India in the case of **Rahul S. Shah** (supra) whereby, apart from other directions, a maximum a period of six months was laid down for disposal of execution petitions.

With the above observations, the writ petition stands disposed of. This Court is sanguine that the concerned authority shall deal with the matter in right earnest so that Justice may prevail.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

May 23rd, 2024
Rekha

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