



CWP-15494-2024 (O&M)

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

**CWP-15494-2024 (O&M)
Date of Decision: 19.12.2024**

Catalyst Trusteeship Limited

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Aashish Chopra, Senior Advocate assisted by
Mr. Prashant Kumar, Advocate and
Mr. Gagandeep Singh, Advocate
for the petitioner.

Mr. Randhir Singh, Addl. A.G., Haryana.

Mr. Nitin Kaushal, Advocate
Mr. Mani Bhushan Sinha, Advocate
and Mr. Samir Mishra, Advocate
for respondents No.9 and 10.

Mr. Sandeep Chhabra, Advocate
for respondents No.11, 12, 15, 18 to 22, 27, 28, 30,
33 to 35, 39, 40, 42 to 47, 50 to 60, 63, 64, 66, 69
and 71.

Mr. Man Mohan Yadav, Advocate
for respondents No.23, 31, 32 and 72.

Mr. Siddharth Sihag, Advocate and
Mr. Utkarsh Sheoran, Advocate
for respondent No.65.

Ms. Saanvi Singla, Advocate,
Ms. Kushaldeep Kaur, Advocate and
Mr. Ankur Mittal, Advocate
for respondent No.73.

Mr. Randeep S. Rai, Senior Advocate assisted by
Ms. Rubina Virmani, Advocate,
Mr. Arjun Singh Rai, Advocate and
Mr. Udai Nanda, Advocate
for respondent No.74.

HARSH BUNGER, J. (Oral)

The instant writ petition has been filed under Articles 226/227



Certiorari for staying and quashing the attachment orders issued by respondent No.2 (Annexure P-1) and the auction notices issued under the instructions of respondent No.4 (Annexure P-2) and any other like order of attachment passed after September 08, 2022 in respect of the subject land.

2. During the course of hearing, learned counsel for respondents No.9 and 10 has handed over a copy of an affidavit dated 18.12.2024 of Sh. Akhilesh Kumar Pandey, Director of M/s K.N.S. Infracon Private Limited (“Company”), in Court today; however a perusal of the said affidavit would show that neither the deponent has been identified therein nor each page of the affidavit has been signed by the deponent or verified by the notary public. Accordingly, the original affidavit is returned to the counsel for respondents no. 9 and 10. However, a photocopy thereof be kept on record, for reference purposes only.

3. At this stage, counsel for respondents no. 9 and 10 submits that to secure the payments to the Home-buyers/ decree-holders, respondents No. 9 and 10 undertake to provide the following units/flats (as per details supplied during course of hearing) to be kept as a security for the unrealized amounts of the decree holders to whom respondent no. 9 and 10 are liable to make payments in terms of the orders passed by the Haryana Real Estate Regulatory Authority, Gurugram:-

<i>S. No.</i>	<i>Unit No.</i>	<i>Tower No.</i>	<i>Area</i>	<i>Value</i>
1	B-1401	B	2102	3,15,30,000
2	B-1403	B	2102	3,15,30,000
3	B-1404	B	2102	3,15,30,000
4	D-1401	D	1874	2,81,10,000
5	D-1403	D	1874	2,81,10,000
6	D-1404	D	1874	2,81,10,000
Total				17,89,20,000



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3.1 Learned counsel for respondents No.9 and 10 further submits that they shall make the payments to the decree holders after completion of the project which may take more than one year, subject to the outcome of the appeals preferred by respondent no. 9 and 10 before the Haryana Real Estate Appellate Tribunal.

3.2 Learned counsel for respondents No.9 and 10 also submits that as regards the orders/letters issued by the Company for canceling the allotment of the Home-buyers during the pendency of the present writ petition before this Court; the Company has already issued letters/e-mails for withdrawing the said cancellation orders, however, in case, anyone has been left out, even that be considered as withdrawn.

4. Learned counsel(s) representing the respondent(s)-Home buyers submits that they have no objection, if the present writ petition is disposed of in terms of the aforesaid statement made by learned counsel for respondents No.9 and 10 (as recorded in para 3, 3.1 and 3.2 above) and that the attachment orders issued by respondent No.2 (Annexure P-1) and the auction notices issued under the instructions of respondent No.4 (Annexure P-2) be not acted upon at this stage.

4.1 Learned senior counsels appearing for petitioner as well as learned counsel for respondent No.74-SWAMIH Investment Fund (impleaded vide order dated 09.08.2024), have also consented to the aforesaid proposal put forth by learned counsel for respondents No. 9 and 10.

5. Keeping in view the aforesaid consensus by the counsel for the respective parties and considering the prayer of the petitioner, which is



restricted only qua staying / setting aside of the impugned notices/orders (Annexures P-1 and P-2) and to ensure completion of the project; since the interests of the home-buyers in relation to whom the impugned notices/orders (Annexures P-1 & P-2) have been issued, have been secured by keeping apart the units/flats as per the above extracted details, the impugned notices/orders (Annexures P-1 & P-2) be not acted upon at this stage, till the Project is completed or upto the period of one year, whichever is earlier.

5.1. It is clarified that the present order shall have no effect / impact on the terms/directions issued by Haryana Real Estate Regulatory Authority, Gurugram or the Adjudicating Officer, Gurugram; while passing the orders in favour of Home-buyers/ decree holders, qua which the impugned notices/orders (Annexures P-1 & P-2) have been issued.

6. The Haryana Real Estate Regulatory Authority, Gurugram / Executing Court is directed to ensure that respondent Nos. 9 and 10 adhere to the undertaking given by them qua the units/flats mentioned in para 3 above and the said units/flats are kept as security, unencumbered. It is further directed that upon completion of the project or upon expiry of one year from today (whichever is earlier), the Haryana Real Estate Regulatory Authority, Gurugram / Executing Court shall take all necessary steps for realization of all outstanding amounts qua which the impugned notices/orders (Annexures P-1 & P-2) have been issued.

7. This order be not treated as an exemption from making pre-deposit (if any) at the time of filing of an appeal by respondents No.9 and 10 before the Haryana Real Estate Appellate Tribunal.

8. The instant writ petition is accordingly disposed of in



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afore-stated terms.

9. All pending application(s), if any, shall stand closed.

19.12.2024
Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No