



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.25037 of 2024
Date of decision: 27.09.2024.

Shashi Kumar

....Petitioner

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Arpandeeep Narula, Advocate
Ms. Upasna Gandhi, Advocate
Mr. Piyush Mittal, Advocate
for the petitioner.

Ms. Sanvi Singla, Advocate for
Mr. Ankur Mittal, Additional Advocate General, Haryana.
for respondents No.1 to 4.

VIKRAM AGGARWAL, J.

1. The petitioner has prayed for the following substantive relief.

“Civil writ petition under Article 226/227 of the Constitution of India praying for the issuance of a writ in the nature of mandamus directing the respondents No.1 to 4 to get the recovery effected in pursuance to the recovery certificate dated 13.12.2023, Annexure P-3 issued by the Ld. Real Estate Regulatory Authority, Gurgaon in favour of the petitioner u/s 40 of The Real Estate (Regulation & Development) Act, 2016, in a time bound manner, as the same is pending consideration before the official respondents from the last more than 9 months, in the interest of justice.”

2. Learned counsel for the petitioner submits that despite order dated 06.10.2022 (Annexure P-1) having been passed by the Haryana Real Estate Regulatory Authority, Gurugram, vide which refund of Rs.7943253 along with interest @10% per annum was ordered and a period of 90 days was given to respondent No.5 to comply with the order, the amount has not been recovered.

3. He further submits that in pursuance of an execution application Annexure P-2 having been filed by the petitioner, Recovery Certificate dated 13.12.2023 (Annexure P-3) was also issued to the Collector, Gurugram. However, no further progress has been made and the amount has not yet been recovered. He also submits that though, out of the total sum of ₹79,43,273/-, a sum of ₹64,37,766/- was recovered but sum of ₹25,38,256/- is still to be realized.

4. At the outset, learned Additional Advocate General, Haryana, who is present on advance copy having been served submits that as per instructions received, the matter is now pending before the Adjudicating Officer on 30.09.2024 and the recovery proceedings shall be expedited whereafter effective measures to recover the amount shall be taken. An assurance has been given that proceedings before the Adjudicating officer shall be carried out expeditiously.

5. Learned counsel for the petitioner submits that though, at this stage, keeping in view the statement made by learned State counsel, the petitioner would not be left with any grievance but the petitioner apprehends that despite the assurance given to the Court, the proceedings may not be conducted and decided expeditiously and that under such circumstances, the petitioner will continue to suffer. He submits that liberty be granted to the

petitioner that in case, the proceedings are not carried out expeditiously, the petitioner may approach this Court again for the redressal of its grievances by filing an application in the present writ petition itself.

6. The writ petition is accordingly disposed of in terms of the statement made by learned Additional Advocate General, Haryana with liberty to the petitioner to file an application for revival of the instant writ petition in case proceedings before the Adjudicating Officer are not carried out expeditiously. However, this Court is sanguine that effective and expeditious proceedings shall be carried out by the Adjudicating Officer in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

September 27, 2024
Rekha

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