



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

129

CR-6820-2024

Date of Decision: 12.12.2024

M/s Sukhm Infrastructure Pvt. Ltd. and another

...Petitioners

Versus

Harshdeep Singh Nat and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Ms. Heena Singh, Advocate, for the petitioners.

VIKAS SURI, J. (ORAL)

1. The following order was passed on 22.11.2024:-

“Challenge raised in the present petition under Article 227 of the Constitution of India at the instance of the petitioner-companies is to orders dated 28.07.2021 (Annexure P-2) and 20.12.2023 (Annexure P-5) passed by the Adjudicating Officer, Real Estate Regulatory Authority, Punjab, whereby the petitioners were directed to pay interest to the respondent-complainants @ 9.30% w.e.f. 29.07.2020 till the time possession is duly offered to the respondents after obtaining the completion certificate.

At the very outset, learned counsel for the petitioners states that he withdraws challenge to order dated 28.07.2021 (Annexure P-2) as the said order is appealable before the Real Estate Appellate Tribunal constituted under Section 43 of the Real Estate (Regulation and Development), Act 2016 (for short ‘the Act’).

As the petitioners did not make payment in



compliance with order dated 28.07.2021 (Annexure P-2), respondents approached the authority for execution of the aforesaid order. The execution application was accepted vide order dated 20.12.2023 (Annexure P-5) and the petitioners were directed to pay a sum of Rs.31,45,561/- to the respondents. Accordingly, recovery certificate was ordered to be issued to the District Collector, S.A.S Nagar, Mohali (Punjab) to effect the recovery. It was further ordered that upon non-compliance within a period of 60 days of the receipt of the said order, proceedings under Section 63 of the Act were to be initiated against the petitioners.

Despite the aforesaid orders, the recovery was not being effected and the second respondent was compelled to approach this Court by way of CWP-28168-2024 seeking mandamus to the official respondents to execute the recovery certificate for recovery of Rs.31,45,561/- from the petitioners (respondent Nos.3 and 4 in the said writ petition).

Upon notice of the said writ petition, the petitioners caused appearance through counsel and suffered a statement before the Division Bench of this Court that the petitioner shall deposit the decretal amount without prejudice to their rights/interest with the executing Court and necessary application to recall/vacate the orders of attachment shall be moved within a period of two weeks.

In view of the undertaking given by the petitioners before the Division Bench, the aforesaid writ petition was accordingly disposed of. It was further stipulated that in the event the decretal amount is not deposited with the executing Court within the aforesaid period, the writ petitioner would be at



liberty to move an application for restoration of the writ petition and appropriate orders

On a query of the Court, learned counsel for the petitioners on instructions submits that the aforesaid amount has not been deposited as yet.

It is trite law that he who seeks equity must do equity and he who comes into equity must come with clean hands, as has been stated in *Halsbury's Law of England, 4th Edn., Vol.16*.

At this stage, learned counsel for the petitioners prays for an adjournment to enable the petitioners to first deposit the amount in compliance with order dated 24.10.2024 (Annexure P-8) passed by the Division Bench of this Court in CWP-28168-2024, before pressing the present petition.

In the interest of justice, adjourned to 12.12.2024.

It is, however, made clear that in the event the petitioners still fail to deposit the aforesaid amount in compliance with the undertaking recorded in the order dated 24.10.2024 (supra), the present petition would be deemed to have been dismissed and would be closed on the next hearing.”

2. Today, on resumed hearing learned counsel for the petitioners submits that the requisite deposit in terms of the undertaking given before the Division Bench of this Court has yet not been made. Despite the order noticed above, she seeks withdrawal of the present petition.

3. Perusal of the order sheet would show that at the previous hearing, time had been sought on behalf of the petitioner to first deposit the amount in compliance with the order dated 24.10.2024 (Annexure P-8)



passed by the Division Bench of this Court in CWP-28168-2024, before pressing the present petition. It has also been stipulated in the order dated 22.11.2024 that failing to deposit the amount in terms of the undertaking, the present revision petition would be deemed to have been dismissed and would be closed on the next hearing.

4. Accordingly, the present revision petition is dismissed.

December 12, 2024

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**(VIKAS SURI)
JUDGE**

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