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

1. CR-7044-2024
Date of decision: 10.12.2024

M/s Sukhm Infrastructure Private Limited and another ...Petitioners

Versus

Simran Bajaj ...Respondent

2. CR-7048-2024
Date of decision: 10.12.2024

M/s Sukhm Infrastructure Private Limited and another ...Petitioners

Versus

Inderjit Mohan Kaur and another ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. A.S. Narang, Advocate and
Ms. Manpreet Kaur, Advocate and
Ms. Ishita Kaur, Advocate and
Mr. Satbir Singh, Advocate for the petitioners.
(in both cases)

Mr. Vipin Kumar, Advocate and
Mr. Mandeep Singh, Advocate for respondents.
(in both cases)

VIKAS BAHL, J. (ORAL)

1. The present order would dispose of two revision petitions i.e.,
CR-7044-2024 filed by M/s Sukhm Infrastructure Private Limited and
another Vs. Simran Bajaj in which challenge is to the order dated
04.10.2021 (Annexure P-4) whereby the execution order was passed by the
Chairperson, Real Estate Regulatory Authority, Punjab. Challenge in the
said revision petition is also to the impugned recovery certificate dated



08.05.2024 (Annexure P-6) issued by the Secretary, Real Estate Regulatory Authority, Punjab in execution application and also to the auction notice dated 22.11.2024 (Annexure P-7).

2. CR-7048-2024 has been filed by the same petitioners i.e., M/s Sukhm Infrastructure Private Limited and another against two respondents i.e., Inderjit Mohan Kaur and Gagandeep Singh and the prayer in the said revision petition is for setting aside the order dated 04.10.2021 (Annexure P-3) wherein the execution order has been passed by the Chairperson, Real Estate Regulatory Authority, Punjab. Challenge in the said revision petition is also to the recovery certificate dated 08.05.2024 (Annexure P-5) issued by the Secretary, Real Estate Regulatory Authority, Punjab in execution application and also to the auction notice dated 22.11.2024 (Annexure P-6).

3. On 04.12.2024, this Court had passed the following order:-

*“Present: Mr. A.S. Narang, Advocate and
Ms. Manpreet Kaur, Advocate and
Ms. Ishita Kaur, Advocate and
Mr. Satbir Singh, Advocate for the petitioners.*

CR-7044-2024

Learned counsel for the petitioners inter alia contends that as is apparent from the order dated 04.10.2021, an amount of Rs.9,60,978/- has been found due against the present petitioners and the said fact is also apparent from the recovery certificate dated 08.05.2024. It is submitted that the petitioners are carrying a demand draft of an amount of Rs.4,70,000/- in the name of the Registrar of this Court and are ready to pay the said amount and also pay the balance amount on the next date of hearing.



The petitioners as undertaken before this Court would bring a demand draft of the entire amount of Rs.9,60,978/- in the name of the respondent-Simran Bajaj on the next date of hearing.

CR-7048-2024

Learned counsel for the petitioner has contended that in the present case, as per the recovery certificate dated 08.05.2024 (Annexure P-5), a total amount of Rs.10,21,200/- is due from the petitioners to respondents No.1 and 2 equally and has submitted that the petitioners are carrying a demand draft of Rs.5,11,000/- in the name of the Registrar of this Court and has further submitted that the petitioners are ready to pay the entire amount to respondents No.1 and 2 and would bring two demand drafts totalling Rs.10,21,200/- in the name of respondents No.1 and 2. The said drafts would be prepared in the same proportion as in the name of respondents No.1 and 2 as has been ordered by the Tribunal.

Notice of motion (in both cases) for 10.12.2024.

Liberty is granted to the petitioner to serve the respondent/respondents (in both cases) through dasti process as well as through the counsel for the respondent(s) appearing before the RERA authorities.

The petitioners as undertaken before this Court would bring two demand drafts of the total amount of Rs.10,21,200/- in favour of respondents No.1 and 2 in the proportion as ordered by the Tribunal on the next date of hearing.

It is made clear that in case the said demand drafts are not presented on the next date of hearing, then the present petitions are liable to be dismissed with cost.

Till the next date of hearing, the impugned auction which is stated to be on 05.12.2024 if only being conducted on account of the recovery in the present two cases, is stayed.

To be shown in the urgent list.



A photocopy of this order be placed on the file of connected case.

4.12.2024”

4. Learned counsel for the petitioners has submitted that in pursuance of the above order, the demand drafts, as undertaken by the petitioners, have been handed over to learned counsel for the respondents today in the Court which fact has been reaffirmed by learned counsel for the respondents. It is further submitted that since, the claim of the respondents in both the cases has been satisfied and as per the impugned order dated 04.10.2021 passed in both the cases, only amount was payable to the respondents, which has already been paid and even the recovery certificate as well as the auction was ordered to be conducted for the recovery of the said amount and once the said amount has been paid, then the recovery notice and the auction notice be set aside and it be observed that the executory order dated 04.10.2021 has been satisfied.

5. Learned counsel for the petitioners has additionally submitted that the impugned orders had been passed in pursuance of the order dated 03.03.2020 (Annexure P-3 in CR-7044-2024 and Annexure P-2 in CR-7048-2024) vide which the complaint of the respondents in both the cases was allowed and against the said orders passed in both the cases, the petitioners had filed writ petition bearing No.CWP-20724-2021 which was disposed of as having been rendered infructuous on 07.02.2024 and the petitioners have filed review application in the same and thus, the present order should not be construed as an estoppel against the petitioners from pursuing the said review application.



6. Learned counsel appearing on behalf of the respondents in both the cases has very fairly submitted that the petitioners have complied with the undertaking given on 04.12.2024 and have handed over the demand drafts and has further submitted that the said demand drafts would be handed over to the respective respondents. It is submitted that since the executory order dated 04.10.2021 in both the cases has been satisfied thus, they have no objection in case the recovery notice and auction notice in both the cases are set aside. It is submitted that in case the review application is filed in the abovesaid writ petition, the rights of the respondents in the said proceedings be kept open.

7. Keeping in view the abovesaid facts and circumstances and the fair stand taken by learned counsel for the petitioners as well as learned counsel for the respondents, the present revision petition is partly allowed with the following observations/directions:-

- i) The impugned recovery certificates dated 08.05.2024 as well as auction notices dated 22.11.2024 in both the cases are set aside in view of the fact that the executory orders dated 04.10.2021 in both the cases stands satisfied.
- ii) The present order would not be construed as an estoppel to either of the parties to pursue their legal remedies to challenge the order dated 03.03.2020 (Annexure P-3 in CR-7044-2024 and Annexure P-2 in CR-7048-2024) in accordance with law.

10.12.2024
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No