



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-34586-2024(O&M)
Date of decision: 19.12.2024

Himanshu Gautam and another

... Petitioners

Versus

Haryana Real Estate Regulatory Authority, Gurugram and others

... Respondents

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

Present: Mr. Nitin Thatai, Advocate,
for the petitioners.
Mr. Ankur Mittal, Advocate,
Ms. Kushaldeep Kaur, Advocate, and
Ms. Saanvi Singla, Advocate, for respondent No.1-HRERA.
...

ARUN PALLI, J. (Oral)

The petitioners have prayed for the following substantive relief:

“Civil Writ Petition under Article 226/227 of the Constitution of India praying before this Hon’ble High Court to issue any writ, order or direction, especially a writ in the nature of mandamus directing respondent No.1 to expeditiously dispose of the execution petition filed by the petitioner/petitioners bearing No.1766 of 2021, and execute the arrest warrants issued by the respondent No.1 dated 20.09.2024 (Annexure P10) against the respondent Nos.2 and 3.”

Served with the advance copy of the petition, Mr. Ankur Mittal, Advocate, is present in Court on behalf of respondent No.1. At the outset, he has shared with us a copy of the order dated December 9, 2024, which is taken on record as **Mark ‘X’**:

“On previous date, arrest warrants were issued against directors of JD, namely Sandeep Yadav, Balwant Chaudhary Singh and Arvind Walia, to be executable by the bailliff of the authority. Note executed. I perused the report given by bailliff. According to him, he went to arrest said



directors of JD on several dates (well mentioned in his report) but he was not allowed to enter inside by the staff of the JD/promoter. Citing all this, balliff has requested for police assistance.

In the facts as mentioned above, it appears that it is not possible for the balliff to arrest said directors unless police assistance is provided to him. Request for police assistance is allowed.

Let arrest warrants against aforesaid directors of JD be issued again, to be executable by the balliff of the authority till next date. Let DCP (HQ), Gurugram be asked to give police assistance to the balliff enough to get said directors of JD, arrested. Said directors be taken into custody and be produced before this forum on or before next date.

To come on 19.03.2025 for further proceedings.”

The order referred to above indicates that the Adjudicating Officer has issued arrest warrants against the Judgement Debtor, as despite the decree having been passed in favour of the petitioners as far back as on November 29, 2018, they have not been able to realize the decretal amount. And, the matter is now fixed for 19.03.2025.

Faced with this, learned counsel for the petitioners submits, for the present, he be permitted to withdraw the petition to enable the petitioners to pursue the matter with the Executing Court. However, if the occasion so demands, they would re-approach this Court by filing a fresh petition.

Accordingly, the petition is dismissed as withdrawn with the liberty prayed for.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

19.12.2024
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO