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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 9692/2024**

SUMAN DEVI

.....Petitioner

Through: **Mr. Dhananjai Jain, Advocate.**

versus

DISTRICT MAGISTRATE & ORS.

.....Respondents

Through: **Mr. Vishal Chanda, Advocate for
Mr. Udit Malik, ASC, GNCTD for R-
1, 2.**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

09.08.2024

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CM APPL. 45653/2024 (for early hearing)

1. For the grounds and reason stated in the application, the application is allowed and with the consent of the counsel, the main writ petition is taken up for hearing today itself.

2. The application is disposed of.

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3. The present petition seeks to direct Respondents No. 1 and 2 to enforce the recovery certificate bearing No. F.3(E-51)/execution case/RERA/2022/1476-80 is now to be executed by the Sub-Divisional Magistrate, Dwarka/ Respondent No. 2. The limited prayer sought in the present petition is as follows:



*“A. Issue a Writ of Mandamus and Direct the respondents, particularly the Respondent no.1 or Respondent no 2, to immediately enforce the recovery certificate and ensure the realization of the decretal amount of Rs. 10,71,598 along with interest as ordered by the Hon’ble Delhi RERA Authority from Bank Account No. 50200017503813 in HDFC Bank Ltd.
B. Direct the Respondent no 3 to attach the necessary assets and bank accounts of Delhi Heights Multi State CGHS Ltd to satisfy the decretal amount.
C. Award costs of this petition to the petitioner.”*

4. On 06th February, 2018, the Petitioner booked a unit with Delhi Heights Multi State CGHS Ltd., however, they failed to deliver the unit to the Petitioner. As a result, Petitioner filed a complaint with Real estate Regulatory Authority, Delhi,¹ seeking a refund and on 23rd march, 2022, the said Authority directed Delhi Heights Multi State CGHS Ltd to refund the amount within 45 days along with an interest rate of 9% per annum from the date of deposit until the actual refund.

5. On 30th May, 2023, RERA issued a recovery and Respondents No. 1 and 2 were directed to submit a status report. On the basis of their status report, Respondent No. 2 was instructed to take steps to realize the decretal amount. Additionally, RERA directed Respondent No. 3 to attach bank account No. 50200017503813 belonging to Delhi Heights Multi State CGHS Ltd. However, no action was taken by Respondent No. 2. Hence, the present petition.

6. Considering the above, the present petition is disposed of with a direction to Respondent No. 2 to take the necessary steps in execution of the recovery certificate and realize the decretal amount, expeditiously, in accordance with law.

¹ “RERA”



7. Disposed of.

SANJEEV NARULA, J

AUGUST 9, 2024

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