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

+ **W.P.(C) 14410/2023**

MR. PRAVEEN ALOK

.....Petitioner

Through: Mr. Praveen Alok, Petitioner (in-Person).

versus

GOVERNMENT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Prashant Manchanda, ASC, GNCTD with Mr. Mayank Kamra and Ms. Nancy Shah, Advocates for R-1 & 2.

Mr. Siddharth Panda, Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

29.07.2024

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1. The present petition seeks an order of direction for execution of order dated 19th January, 2022 passed by Real Estate Regulatory Authority ['RERA'] under Section 31 and 18 of Real Estate (Regulation and Development) Act, 2016 for which a Recovery Certificate dated 18th August, 2022 has been issued by the RERA. The Petitioner's grievance is that said Recovery Certificate is not being executed by SDM/ Respondent No. 2. Accordingly, they seek the following prayers:

(a) issue a writ of mandamus or any other similar writ order or direction directing the Respondent No. 1 and Respondent No.2 to immediately implement/execute the impugned recovery certificate dated 18.08.2022 bearing no. 2116-20 issued by the Respondent No.3 in a time bound manner for recovering the entire payment with interest up to the date of



actual payment as per the directions given in Order dated 19.01.2022 issued by RERA, Delhi and”

2. Mr. Prashant Manchanda, ASC, who represents Respondent No. 1 and 2 has furnished a status report dated 29th July, 2024, detailing out as follows:

- “1. Warrant of arrest dated (09.06.2023 has been issued to the JD through SHO Sector-23, Dwarka, New Delhi. In response to the warrant, P.S- Dwarka, Sec-23 has submitted that the said address was found locked and as per enquiry the office was closed for the last 03 months it was shifted at unknown place.*
- 2. A letter dated 04.03.2023 has been issued to the Manager of Kotak Mahindra Bank, Pankaj Arcade, Sector-5, Dwarka, for attachment the bank account No. 8511805534 and 8511881637 and prepares the Deamand Draft in favour of Plaintiffs. In response to the letter it was informed by the bank account has Nil balance.*
- 3. A letter dated 04.03.2023 has been issued to the Manager of Kotak Mahindra Bank, B-1/517, Janakpuri, New Delhi-110058 for attachment the bank account No. 4311469709, 4311637337, 4311518889, 4311607422, 9/7/29 4311559837, 4311527515 and 4311592049 and prepare the Demand Draft in favour of Plaintiffs. In response to the letter issued to Kotak Mahindra Bank has informed that current balance in A/c No. 4311469709 is Rs. 73,270/-, in A/c No. 4311637337 is Rs. 196/-in A/c No. 4311518889 is Rs. 203/-, in A/c No. 4311607422 is Rs. 185/-, in A/c No. 4311559837 is Rs. 173/-, in A/c No. 4311527515 is Rs. 211/-, in A/c No. 4311592049 is Rs. 171/- and all the said account has been freeze by the bank.*
- 4. An attachment order U/s 138 of DLR Act dated 04.03.2023 has been issued to SR-IX, Kapashera with the direction not to transfer or changing the status of property No. 3/4 Share in Agricultural Land total measuring 6 Bighas 19 Biswas, bearing No. 28//13(2-9), 14/2 (4-10) Amberahi in favour of Revanta Multistate CGHS Ltd.*
- 5. A letter dated 30.08.2023 regarding recovery from Revanta Multistate CGHS Ltd was issued to SDM Najafgarh. In response to the letter SDM (Najafgarh) informed that the property of Village-Ujwa and Kajipur belongs Revanta Group.*
- 6. A letter dated 13.03.2024 has been issued to DM(North), Alipur, New Delhi for the lands belonging to Revanta Multistate CGHS*



Ltd at Village-Tigipur with the request to issue an attachment order and intimate to the undersigned for further intimation to the RERA Authority.

7. *A letter dated 13.03.2024 were issued to SDM (Kapashera) and SDM (Najafgarh), New Delhi for attachment of various properties falls in their Jurisdiction of Revanta Multistate CGHS Ltd. and intimate to the undersigned for further intimation to the RERA Authority.*
8. *In response to the above said letter, Tehsildar(Kapashera) vide his letter dated 06.04.2024 attached the properties of Village-Hassanpur, Chhawla and Asalatpur Khawad of said defaulter Le Revanta Multi State CCHS Ltd. (copy enclosed).*
9. *A reminder dated 10.05.2024 has been issued to SDM(Najafgarh) regarding attachment of property belongs to Revanta Multistate CGHS Pvt. Ltd.*
10. *It is submitted that as a further step in respect of attached properties of M/S Revanta Multi State Co-op CGHS Ltd, a letter has been issued vide letter dated 22.07.2024 to SDM (Kapashera) to initiate further steps towards sale/auction of the properties falling in their sub-division and belonging to M/S Revanta Multi State CGHS Ltd. (copy attached).*
11. *In view of the above, it is kindly requested that sufficient time may be granted in order to undertake further steps towards recovery of the amount from the JD.*

Submitted for kind perusal and further direction in the matter.”

3. The above status report indicates that Respondent No. 2 has already initiated steps towards executing the Recovery Certificate 18th August, 2022.
4. In view of the above, in the opinion of the Court, no further directions are necessary. The SDM is expected to take further steps for executing the Recovery Certificate 18th August, 2022 in accordance with law in an expeditious manner.



5. With the above directions, the present petition is disposed of.

SANJEEV NARULA, J

JULY 29, 2024

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