



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 18 OF 2022

Dhan Singh Saharan and Manohari Devi Saharan

....COMPLAINANTS

VERSUS

Parsvnath Developers Ltd.

....RESPONDENTS

CORAM:

**Rajan Gupta
Dilbag Singh Sihag**

**Chairman
Member**

Date of Hearing: 13.07.2022

Hearing: 3rd

Present:

Mr. Amarjit Beniwal, learned counsel for the complainant
through video conference

Ms. Isha, learned counsel for the respondent through video
conference

ORDER (DILBAG SINGH SIHAG - MEMBER)

1. While perusing case file, it is observed that this complaint has been filed for execution of orders dated 18.08.2021 passed in complaint no. 1183 of 2020 titled as Dhan Singh Saharan and Anr Versus Parsvnath Developers Ltd.

whereby respondent was ordered to pay to the complainant delay interest of ₹47,38,181/- and further monthly interest of ₹39,291/- till valid offer of possession of booked flat of the complainant in project named 'Parsvnath Royale, sector 20, Panchkula is made to him that too after obtaining occupancy certificate from the competent authority. Said monthly interest till today has worked out to ₹3,92,910/- (₹3,92,910/- *10).

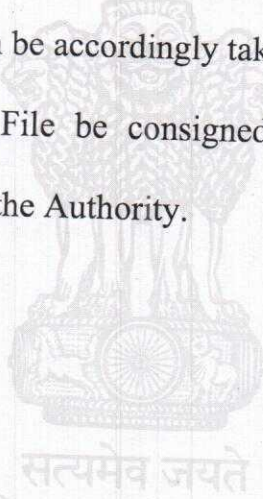
2. Learned counsel for the complainant categorically submitted during hearing that no settlement has been arrived at between parties nor any payment has been made by the respondent till date. Therefore, he requested for attachment of respondent's property under Section 40 of RERA Act so that decree passed in favour of complainant may be satisfied.

3. On the other hand, learned counsel for the respondent stated that bank accounts of the respondent company were not operational as they have been attached by some other Courts due to which company is not able to make any payment to the complainant today. However, she sought time to comply with orders under execution.

4. After hearing both parties, Authority observes that this is third hearing of the matter but respondent failed to execute orders of the Authority till date. He has not put forth any justifiable reason for non-compliance of orders of the Authority. Therefore, such non-serious and casual conduct of the respondent should not be encouraged nor accepted. So, Authority decides to explore other remedy to satisfy the decree holder/complainant. Authority in exercise of powers

conferred on it by Section 40 of The Real Estate (Regulation and Development) Act, 2016 and Rule 27 of Haryana Real Estate (Regulation and Development) Rules, 2017 decides to issue a recovery certificate against the company to recover decreed amount as arrears of land revenue and execute its orders as decree of a Civil Court. This order may be conveyed to district collector with an order to recover decreed amount of ₹47,38,181/- (Principal amount ₹47,38,181/-+ interest of ten months ₹3,92,910/-) from the respondent as arrears of land revenue and remit the same to the Authority after such recovery for further payment to the complainant. The District Collector shall send a compliance report to this Authority. Necessary action be accordingly taken.

5. **Disposed of.** File be consigned to record room and order be uploaded on the website of the Authority.



RAJAN GUPTA
[CHAIRMAN]

DILBAG SINGH SIHAG
[MEMBER]