



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

**EXECUTION NO. 994 OF 2021
IN
COMPLAINT NO. 2024 OF 2019**

Harkesh Deshwal and Another

.... DECREE HOLDER

VERSUS

Pivotal Infrastructure Pvt Ltd.

....JUDGMENT DEBTOR

CORAM:

**Dr. Geeta Rathee Singh
Nadim Akhtar**

**Member
Member**

Date of Hearing: 13.12.2022

Hearing: 7th

Present: -

Mr. Akshat Mittal, Id. counsel for decree holder
Mr. Rohan Gupta, Id. Counsel for judgment debtor

ORDER (DR. GEETA RATHEE SINGH-MEMBER)

Present execution petition has been filed for execution of order dated 09.03.2021 passed by the Authority in complaint no.2024 of 2019 titled as Harkesh Deshwal and Another Versus Pivotal Infrastructure Pvt Ltd. in

Geeta Rathee

favour of decree holder wherein judgment debtor was directed to hand over possession of the flat to the decree holder along with payment of ₹9,83,573/- as delay interest.

2. In the previous hearing dated 09.08.2022, it was informed that judgment debtor has filed an appeal bearing no.658 of 2021 titled as M/s Pivotal Infrastructure Pvt Ltd. versus Harkesh Deshwal and Another against the order under execution. Today, Mr. Akshat Mittal, learned counsel for decree holder has filed an application for placing on record order dated 02.09.2022 passed by Hon'ble Haryana Real Estate Appellate Tribunal whereby appeal filed by the judgment debtor has been dismissed and a direction was issued to this Authority to disburse the decretal amount to the decree holder i.e. ₹9,83,573/- as deposited by judgment debtor in compliance of proviso to Section 43(5) of RERA Act 2016.

3. Authority observed that a direction has been issued by Hon'ble Appellate Tribunal that amount of ₹9,83,573/- deposited by the appellant/judgment debtor with the Appellate Tribunal to comply with the provisions of Section 43(5) of RERA Act, 2016 along with interest accrued thereupon may be sent to this Authority for further disbursement to the respondent/decrece holder and excess amount, if any, may be remitted to appellant/judgment debtor subject to tax liability if any as per law.

2


4. Mr. Rohan Gupta, learned counsel for judgment debtor stated that if the deposited amount along with interest is disbursed to decree holder, the claim of the decree holder will be satisfied and the execution petition may be disposed of.

5. In view of the above submissions made by both parties and record placed on record, Authority observed that though directions were passed by the Appellate Tribunal vide its orders dated 02.09.2022, the amount of ₹9,83,573/- deposited by judgment debtor before Appellate Tribunal has not been remitted to the Authority till date. Therefore, Authority is of the considered view that as and when the amount will be deposited with this Authority by Hon'ble Appellate Tribunal, the same will be remitted to the decree holder in execution of the order dated 09.03.2021.

6. With above directions, case is **disposed of**. File be consigned to record room.



.....
DR. GEETA RATHEE SINGH
(MEMBER)



.....
NADIM AKHTAR
(MEMBER)