



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

BEFORE ADJUDICATING OFFICER

EXECUTION NO. 70 OF 2023

IN

COMPLAINT NO. 89 OF 2019

Poonam Rathore

....DECREE HOLDER

VERSUS

Piyush Heights Residents Tower J and K Association

....JUDGMENT DEBTOR

Date of Hearing: 21.03.2023

Hearing: 1st

Present: - Mr. Roop Singh, Advocate, Counsel for complainant/decree holder through VC
Ms. Aishwarya Dobhal, Advocate, counsel for respondent/judgment debtor through VC
Mr. M.C. Jain, for respondent/judgment debtor association

ORDER (DR. SARITA GUPTA-ADJUDICATING OFFICER)

Case received by transfer from Hon'ble Authority vide order dated 17.02.2023.

Sarita Gupta

2. Although notice sent to respondent/judgment debtor association has not been delivered and courier has reported that "address ok but no such person", Ms. Aishwarya Dobhal, Advocate along with Mr. M.C. Jain have appeared on behalf of respondent/judgment debtor association.

3. Present execution has been filed for execution of order dated 05.08.2022 passed by the Authority in Complaint no.89 of 2019 titled as Piyush Heights Residents Tower J and K Association versus Piyush Buildwell India Ltd. whereby a direction was given to respondent/judgment debtor association namely, Piyush Heights Residents Tower J and K Association to hand over possession of the flat to the decree holder.

4. Mr. Roop Singh, Advocate, learned counsel for decree holder has stated that possession of the flat has not been handed over by the respondent/judgment debtor association till date. He requested to give direction to the respondent/judgment debtor association to hand over possession in compliance of order dated 05.08.2022.

5. Learned counsel for respondent/judgment debtor association has stated that scrap material is lying in the flat of the decree holder which is to be auctioned whenever dispute with respect to auction of scrap material is resolved between Piyush Heights RWA and the judgment debtor. Further, learned counsel for respondent/judgement debtor association has stated that two appeals bearing nos.824 of 2022 and 858 of 2022 are also pending adjudication before Hon'ble Appellate Tribunal due to which

respondent/judgment debtor association is not able to execute order passed by the Authority. She sought some time to execute the order under execution.

6. Since appeals are pending adjudication before Hon'ble Appellate Tribunal against order under execution, case is adjourned to 04.05.2023 to await the final outcome in the aforementioned appeal.

Sarita Gupta

(DR. SARITA GUPTA)
ADJUDICATING OFFICER