



# 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

....JUDGEMENT DEBTOR

**Date of Hearing: 14.11.2023**

**Hearing: 5<sup>th</sup>**

**Present:** Mr. Roop Singh Advocate, Counsel for Decree Holder  
Ms. Aishwarya Dobhal Advocate, Counsel for the  
Judgement Debtor Association

### ORDER

Case was fixed for compliance by the judgement debtor.

2. It has been pointed out by learned counsel for decree holder that possession of the flat has not been handed over to the decree holder as the judgement debtor association is taking the plea that the scrap material was lying in the flat of decree holder. The issue with regard to auction of scrap material is pending before Hon'ble Appellate Tribunal. Previously stay was

*Sarla Gupta*

granted by Hon'ble Appellate Tribunal. Now stay has been vacated by Hon'ble Appellate Tribunal vide order dated 30.10.2023. He has requested that till the time possession of flat is not handed over to decree holder, she be paid monthly rent w.e.f. 05.08.2022, i.e. the date on which order was passed by Hon'ble Authority directing respondent/present judgement debtor to handover possession. He has also requested to give directions to Piyush Buildwell India Ltd. to handover possession to decree holder after lifting the scrap material from the flat of decree holder. He has also pressed to impose heavy penalty upon the judgement debtor for non-compliance of order.

3. The arguments raised by learned counsel for decree holder have been strongly rebutted by learned counsel for judgement debtor. It has been agreed that the stay already granted by Hon'ble Appellate Tribunal has been vacated vide order dated 30.10.2023 in Appeal no.533, 824 and 858 of 2022. Copy of order dated 30.10.2023 passed by Hon'ble Appellate Tribunal in the above said appeals has been placed on record and the next date is shown as 19.12.2023. She has further pointed out that the issue with regard to scrap material is being agitated by Piyush Buildwell India Ltd. (main judgement debtor in order under execution), Piyush Heights Residents Welfare Association and the present judgement debtor i.e. Piyush Heights Residents Tower J&K Association. It has further been pointed out that the decree holder has not impleaded Piyush Buildwell India Ltd. as necessary party.

With regard to handing over of possession to the decree holder, it has been argued that during the pendency of appeal before Hon'ble Appellate Tribunal, possession cannot be handover to decree holder.

4. Admittedly, possession of the flat has not been handover to decree holder and it is contention of both the parties that scrap material is lying in the flat of the decree holder. Appeals bearing no.533, 824 and 858 of 2022 are pending before Hon'ble Appellate Tribunal and fixed for 19.12.2023. The stay already granted has already vacated vide order dated 30.10.2023 passed by Hon'ble Appellate Tribunal. So far as the scrap material lying in the flat of decree holder is concerned, Piyush Buildwell India Ltd., Piyush Residents Welfare Association and Piyush Heights Residents Tower J&K Association are claiming that the scrap material belongs to it. Since Piyush Buildwell India Ltd. has not been pleaded as necessary party, in the present execution, direction cannot be given to Piyush Buildwell India Ltd. to settle the issue with Piyush Height Residents Tower J & K Association with regard to disposal of scrap material.

5. The decree holder is at liberty to implead Piyush Buildwell India Ltd. as necessary party. If learned counsel for decree holder is pressing for amount of rent to be paid till the time the possession is handed over to decree holder, he is at liberty to move separate application in this regard.

*Dr. Rite Gupta*

6. Adjourned to 16.01.2024.

*Sarita Gupta*

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(DR. SARITA GUPTA)  
ADJUDICATING OFFICER