



- iii. *the respondent is directed to pay interest accrued from 17.11.2017 till the date of this order to the complainants within 90 days from the date of decision and subsequent interest to be paid by the 10<sup>th</sup> of each succeeding month. The respondent shall not charge anything which is not part of the agreement.*
- iv. *complaint stands disposed of.*
- v. *file be consigned to registry.”*

2. Pursuant to the aforesaid order, complainant initiated execution proceedings before the Adjudicating Officer who directed that recovery certificate be issued and the same be forwarded to the concerned Collector.

3. Grievance of the complainant is that as per calculation much higher was due to him and recovery certificate should have been issued for the said amount. However, on enquiries made by him, it was found that the recovery certificate had been issued only for an amount of Rs.19,87,791/-.

4. As per stand of the appellant the calculation made by the Court below is erroneous and thus unsustainable. Recovery certificate would, thus, be for a much higher amount. He, thus, moved second execution petition. Same was dismissed vide order dated 11.07.2023, which reads as under:-

*“Admittedly recovery certificate has already been issued. No need to entertain fresh application in this regard. Dismissed.”*

5. Despite notice issued to the respondent (M/s Raheja Developers Ltd.), none appeared on its behalf. Thereafter, respondent was proceeded ex-parte vide order dated 08.01.2024.

6. A perusal of the order passed by the Adjudicating Authority shows that same is short and cryptic. The execution petition has been dismissed only on the ground that the recovery certificate has already been issued.

7. This Tribunal, thus, deems it fit to set aside the order passed by the Adjudicating Officer.

8. Matter is remitted to the same Authority for decision afresh. It would be at liberty to pass a detailed order considering the grouse raised by the appellant as also maintainability of second execution petition.

9. Appeal is, thus, allowed in these terms.

10. Parties may appear before the Adjudicating Officer at Gurugram on 01.07.2024.

11. Copy of this order be forwarded to the Adjudicating Officer at Gurugram.

12. File be consigned to the records.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

24.05.2024  
Manoj Rana