



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY

Day and Date	Monday and 15.04.2024
Complaint No.	E/1430/2022/433/2020 Case titled Shyam Kumar Gupta VS Raheja Developers Private Limited
Complainant	Shyam Kumar Gupta
Represented through	Ms Shivali Adv
Respondent	Ramprastha Promoters and Developers Private Limited
Respondent Represented through	None
Last date of hearing	
Proceeding Recorded by	Jyoti Malik

Proceedings

File put up today, on an application filed by DH. It is submitted by learned counsel for applicant/DH that despite issuing recovery certificate on 10.02.2023, Collector, Gurugram, failed to recover decretal amount. Referring case decided by the Hon'ble High Court of Punjab & Haryana, Chandigarh, tilted as M/s International Land Developers Pvt. Ltd. Vs. Aditi Chauhan and others CWP No. 7738 of 2022, and M/s International Land Developers Pvt. Ltd. Vs. Nitin Mathur and others CWP 7750 of 2022, learned counsel requests to initiate contempt of court proceedings against the collector, Gurugram.

Aditi
AD

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



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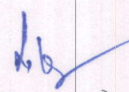
New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

To initiate contempt of court proceedings is discretionary power of court. Keeping in view, facts of this case, I do not think it proper to initiate any such proceedings. Request in this regard is declined.

Learned counsel further requests to resume recovery proceedings. As per mandate of the Hon'ble High Court given in above referred case, collector concerned was obliged to recover decretal amount within three months, otherwise HARERA is at liberty to take the action as per law. Recovery certificate in this case was issued on 10.02.2023. Collector failed to recover decretal amount till today. Considering all this, I allow this request.

Learned counsel requests for direction to JD to disclose its assets/properties, which can be attached to realize decretal amount stating that his client does not know about such properties. Request is allowed. JD be directed to disclose its assets/properties including bank account which can be attached to realize decretal amount, till next date. Information be given in the forum of affidavit to be sworn by anyone from directors of JD.

To come on 02.08.2024 for further proceedings.


(Rajender Kumar)
Adjudicating Officer
15.04.2024