

23. Chitrakshi Nayer etc. vs Sunrays Heights E/3722/2024


Present: Mr. Vijay Pratap Singh, Advocate for DH.
Mr. Harshit Batra, Advocate for JD.

Vakalatnama filed on behalf of JD. Learned counsel for latter requests for adjournment stating that her client has filed an appeal before the Appellate Tribunal. However, decretal amount in compliance of provision of section 43 (5) of the Act, 2016, has not been deposited but same is ready to deposit the decretal amount there ~~and~~ Tribunal has granted time to her client up to 13.11.2024 to deposit decretal amount.

On the other hand, learned counsel for DH requests to proceed with execution proceedings stating that there is no stay against proceedings in this matter. Admittedly, there is no stay against the execution proceedings. Moreover, as mentioned above, even the JD has not complied with provision of section 43 (5) of the Act, 2016. In such a circumstance, there is no reason to stay execution proceedings.

As requested by learned counsel for DH, JD is directed to disclose its assets/properties including bank account and unsold inventories which can be attached to realize the decretal amount. Information be given in the form of affidavit to be sworn by anyone from directors of JD, preferably by Managing Director. At the same time, Tehsildar (Recovery Cell) of Authority be asked to enquire about the properties of JD and to file his report till next date.

To come on 06.03.2025 for consideration.


(Rajender Kumar)
Adjudicating Officer,
15.10.2024