

8. Sonia Mehta vs Vatika Ltd. E/2506/2023

Present: Mr. Aditya Bharech, Advocate for DH.  
Mr. Shubham Mann, Advocate for JD.

This is a petition seeking execution of order passed by the authority dated 02.12.2022. The respondent has been directed to pay assured return of the unpaid period i.e. November 2018 till the completion of the building and as specified under the clause 4 and 5 of the letter of allotment dated 19.06.2017. Apart from same, respondent was directed to execute the buyer's agreement of the allotted unit.

Recovery certificate was issued to the Collector, Gurugram in this matter on 05.02.2024 to recover decretal amount as arrears of land revenue. In view of order/circular issued by Chief Secretary Government of Haryana, no. 50/15/20240-5S (1) dated 11<sup>th</sup> May 2024, powers of the Collector have been conferred upon the Adjudicating Officer and all the recovery certificates have been received back.

As per learned counsel for DH, no amount has been recovered through Collector, Gurugram till now. He requests to resume executing proceedings.


In view of the facts as mentioned above, request is allowed and the execution proceedings are resumed.

Learned counsel for DH requests for direction to JD to disclose its assets/properties including bank account and unsold inventories which can be attached to realize the decretal amount. Request is allowed. 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.

Learned counsel contended further that no BBA has been executed by JD till now incorporating the facts as mentioned in the allotment letter. Show cause notices were issued against directors of JD as why same be not committed to civil prison for not executing BBA. Although reply has been filed on behalf of JD. As per learned counsel for DH, no explanation is given by the directors as why same are not executing BBA incorporating the terms of allotment letter. No explanation is given by learned counsel for JD/directors in this regard. Learned counsel for DH requests to issue arrest warrants against directors of JD. Request is allowed. Issue arrest warrants against directors of JD to be executable by bailiff till next date. Said directors of JD be taken into custody and be produced before this forum on or before next date.

To come on 05.02.2025 for further proceedings.

  
(Rajender Kumar)  
Adjudicating Officer,  
26.09.2024