



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

BEFORE ADJUDICATING OFFICER

Execution No. 436 of 2022

In

Complaint No. 769 of 2021

Bharat Kumar Sen

.....Decree Holder

VERSUS

Ansal Properties and Infrastructure Ltd.

...Judgment Debtor

Date of Hearing:- 10.12.2024

Hearing:- 26th

Present:- None for the decree holder.

Ms. Harmanpreet Kaut Sahota, Adv., proxy for Mr. Ajay Ghangas, for judgment debtor through video conferencing.

ORDER

Today, case is fixed for replies by judgment debtor on two applications filed by decree holder i.e. one under Order XXI Rule 37 & 38 of CPC and second application regarding false statement given by counsel for respondent regarding CIRP proceedings. As per office report, replies to above applications have not been filed by judgment debtor till date.

2. Learned counsel for judgment debtor has sought time to file reply to above applications and further stated that ₹3 lakhs has already been paid to decree holder on 27.10.2024 and remaining amount of ₹ 1,29,932/- will be paid before next date of hearing.

Case called several times but none has appeared on behalf of decree holder in compliance of order dated 02.09.2024. It is already 04:00 PM. No further wait is justified. Hence, the present execution petition is dismissed in default for want of prosecution in view of the provisions of Order 21 Rule 105 of CPC, as this Forum while exercising the power under Section 40 of the RERA Act, 2016 read with Rule 27 of HRERA, Rules, 2017, is competent to act as a Civil Court, to execute the order as if it is a decree. Similarly, the judgment debtor is also proceeded against ex-parte due to non-appearance.

File be consigned to record room after uploading the order on the website of the Authority.


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MAJOR PHALIT SHARMA
ADSJ(Retd.)
ADJUDICATING OFFICER

10.12.2024