

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

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**Appeal No.428 of 2023**

**Date of Decision: 8<sup>th</sup> January, 2025**

JMD Ltd., 6, Devika Towers, Upper Ground Floor, Nehru Place, New Delhi-110019

Appellant.

Versus

1. Dr. Ram Singh Yadav, Flat No.663, Royal Residency, Plot No. 5, Sector 9, Dwarka, New Delhi-110075

2. Mrs. Sarita Yadav, Flat No. 663, Royal Residency, Plot no. 5, Sector 9, Dwarka, New Delhi-110075.

Respondents

Present : Mr. Venkat Rao, Advocate for the appellant.  
Mr. Ram Singh Yadav-respondent in person.

**CORAM:**

**Justice Rajan Gupta**  
**Rakesh Manocha**

**Chairman**  
**Member (Technical)**

**ORDER:**

**RAJAN GUPTA, CHAIRMAN**

The present appeal is directed against the order dated 24.05.2023, passed by Adjudicating Officer<sup>1</sup>.

2. The grievance of the appellant is that there are certain observations in the order which clearly show that the executing court has travelled beyond the decree passed by the Authority<sup>2</sup>. The appellant is particularly aggrieved by the executing court venturing into the aspect of examining whether

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<sup>1</sup> Adjudicating Officer, Haryana Real Estate Regulatory Authority, Gurugram

<sup>2</sup> Haryana Real Estate Regulatory Authority, Gurugram

basic furnishings i.e. flooring, plastering, painting etc. have been done by the builder; as also the observation that interior cannot be confused with basic infrastructure and that the photos on the file do not show that minimum completion works had been carried out by the JD to make the unit worth occupying.

3. As per Mr. Venkat Rao, it was beyond the domain of the Adjudicating Officer to enter into such kind of enquiry. He has also grievance against certain observations with regard to maintenance and unit being incomplete which are not in consonance with the observations made in the decree.

4. The respondent, who is present in person, submits that he has been struggling to get possession of the unit for quite some time which can be used for commercial purpose for which he invested the money.

5. We have heard the parties and given careful thought to the facts of the case.

6. Admittedly, the matter is still pending before the Adjudicating Officer. Though we find substance in the plea of the appellant that executing court cannot travel beyond the decree and any observation made with regard to finishing work of the unit and consequently change of date of offer of possession may not be warranted, at the same time, we take note of the grievance of respondent-Ram Singh Yadav that he ought to be given a unit which is fit for occupation and can be used for commercial purpose. We, thus, expect the builder to take appropriate steps in that direction.

7. As regards the observations made by the Adjudicating officer, we give liberty to the appellant-promoter to move appropriate application. The Executing Court would ensure that it does not travel beyond the terms of the decree and the observations made therein.

8. The appeal is disposed of with the aforesaid observations.

9. Needless to observe that while passing a fresh order, if any, the executing court will not be swayed by the observations made by it in the order under challenge. The amount of pre-deposit made by the appellant be remitted to the respondents to be adjusted in the final amount to be determined by the executing court. AR to ensure compliance within two weeks from today and submit a report.

10. File be consigned to the record.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Rakesh Manocha  
Member (Technical)

8<sup>th</sup> January, 2025.  
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