



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

BEFORE ADJUDICATING OFFICER

EXECUTION NO. 688 OF 2023

IN

COMPLAINT NO. 3124 OF 2019

Hardeep Singh Gongga

....Complainant/Decree Holder

VERSUS

Global Land Master Infratech Pvt. Ltd.

....Respondent /Judgment Debtor

Date of Hearing: 25.11.2024

Hearing: 8th

Present: Mr. Sanjay Narang, Adv., for the decree holder

None for the judgment debtor

ORDER

Case is fixed for compliance and arguments on application seeking stay of execution proceedings filed by judgment debtor company. None has appeared on behalf of judgment debtor company.

Case was called several times but none has appeared on behalf of judgment debtor. No further wait is justified as it is already 03:00 P.M. Consequently, the judgment debtor is proceed against ex-parte in view of the

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provision of Order XXI Rule 105, CPC. It is not out of place to mention here that the Adjudicating Officer as an Executing Court has all the powers to exercise within the meaning of Section 40 of RERA Act, 2016 read with Rules 27 of HRERA Rules, 2017 as are exercised by a Civil Court while executing a decree until and unless it shows reasonable cause for absence.


The non-appearance on behalf of the judgment debtor gives an inference to this Forum that the judgment debtor has nothing to defend in this execution.

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2. Adjoined to **04.03.2024**. Decree holder is directed to file bank account/property details of judgment debtor company for the purpose of the attachment duly supported by an affidavit in support thereof, so that only the verified bank account/property of the judgment debtor is legally got attached in accordance with law, for recovery of the decretal amount. As per settled proposition of law laid down in City Bank, N.A v/s Indo-American Electrical Ltd. AIR 1981 Del 27, "as a general rule, territorial jurisdiction is a condition precedent to a Court executing a decree and neither the Court which passed the decree nor the Court to which it is sent for execution can execute it in respect of the property lying outside its territorial jurisdiction." However, such details must be duly supported by an affidavit of the decree holder to say that the

details of the bank account/property sought to be attached legally stand in the name of the judgment debtor. Such directions have been passed to ensure that the property standing in the name of the judgement debtor is only got attached. It is further directed that the details of "Separate account" (ESCROW account), which is to be utilized for the construction of the project, should be avoided because legally its attachment order may cause prejudice to the other co-allottees of the project. In alternate, decree holder may move an application under Order 21 Rule 41 Civil Procedure Code or any other relevant provision provided under Civil Procedure Code, to get the execution satisfied at the earliest.

25.11.2024


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MAJOR PHALIT SHARMA
ADSJ (Retd.)
ADJUDICATING OFFICER