



# HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

**BEFORE ADJUDICATING OFFICER**

**EXECUTION NO. 932 OF 2023**

**IN**

**COMPLAINT NO. 47 OF 2023**

Ranjit Malhotra and Ritika Malhotra

.....DECREE HOLDERS

**VERSUS**

1. DLF Homes Panchkula Pvt. Ltd.
2. Rajiv Singh, Group Chairman DLF Limited
3. Aakash Ohri, Group Executive Director and Chief Business Officer at DLF Homes Developer Ltd.
4. Anjana Bali, Director DLF Homes Panchkula Pvt. Ltd.
5. Deshbandhu Gupta, Director DLF Homes Panchkula Pvt. Ltd.
6. Deepak Makhija, Assistant Vice President Sales DLF Homes Panchkula Pvt. Ltd.
7. Manish Verma, Customer Relationship Manager DLF Homes Panchkula Pvt. Ltd.
8. Aman Verma, Senior Manager (Sales) DLF Homes Panchkula Pvt. Ltd.
9. Raj Kumar Mittal , Accredited Channel Partner of DLF

.....JUDGMENT DEBTORS

**Date of Hearing: 05.12.2024**

**Hearing: 5th**

**Present :** None for the decree holder.  
Ms. Rupali Verma, Advocate, for judgment debtor no.1 through VC.  
None for judgment debtors no.2 to 9.

**ORDER:**

Today, the case is fixed for arguments.

2. Learned counsel for the judgment debtor has submitted that the present execution petition against interim order dated 02.03.2023 passed by Hon'ble Authority in Complaint no.47 of 2023, is not maintainable more so when the complaint in question as such has been disposed off vide order dated 17.10.2023 by the Hon'ble Authority and if there is non-compliance of the said final order on the part of the judgment debtor, the decree holder will remain legally entitled to file execution that too when the cause of action accrues i.e. after 30.10.2026 which is the deemed date of handing over of possession. Hence, she has prayed to dismiss the execution petition being not maintainable.

Case called several times but none has appeared on behalf of the decree holder who had otherwise been appearing through video conferencing as well as judgment debtor nos.2 to 9. It is already 04:00 P.M., no further wait is justified. Hence, the present execution petition is proceeded against ex-parte in view of the provisions of Order XXI 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.

  
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At this stage, attention of this Forum is drawn to letter dated 24.11.2024 sent by Sh. Ranjit Malhotra, the decree holder, received by post, wherein request is made to adjourn the case for further hearing after 13.01.2025, which is the date fixed for hearing in appeal no.0385 of 2024 pending adjudication before Hon'ble Haryana Real Estate Appellate Tribunal, Chandigarh, titled as "Ranjit Malhotra and another v/s DLF Homes Developers Pvt. Ltd." filed by the decree holder.

After having gone through the contents of the application and also the execution petition filed admittedly seeking execution of an interim order dated 02.03.2023 passed in a complaint which finally stand disposed off on merit on dated 17.10.2023, this Forum is of the view that once the proceedings in the complaint have been completed and it stood finally disposed off leaving right with the decree holder to file an appeal if not satisfied and the said remedy the decree holder has availed, the present execution against an interim order ipso facto becomes infructuous on the date of disposal of the complaint. It is not out of place to mention here that even if the appeal so filed by the decree holder before the Hon'ble Appellate Tribunal, succeeds on merit, the execution of the order would be in totality of the relief(s) granted in the appeal as there cannot be execution of an interim order passed prior to passing of

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the order on merit by the Hon'ble Authority while disposing of the complaint. Otherwise also, there is no provision in the Civil Procedure Code which governs the procedure of execution of an order passed by Hon'ble Authority or the Adjudicating Officer, by virtue of provisions of Section 40 of the RERA Act, 2016 read with Rule 27 of the HRERA, Rules, 2017 made thereunder, which speaks about filing of an execution of an interim order and when there is no provision to file such an execution, the same cannot be proceeded with. Consequently, it is suffice to say that it will not be of any help to the decree holder to get this execution petition posted after the date fixed before Hon'ble Appellate Tribunal as prayed by the decree holder through post, as the execution of interim order as such is not legally maintainable.

With above observations, the present execution petition is **dismissed being not maintainable** after rejecting the application moved by the decree holder to post the same after the date of hearing fixed before Hon'ble Appellate Tribunal.

Handwritten signature and date: 07/12/2024

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

05.12.2024

  
.....  
**MAJOR PHALIT SHARMA**  
**ADSJ (Retd.)**  
**ADJUDICATING OFFICER**

