



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

BEFORE THE ADJUDICATING OFFICER

EXECUTION NO. 1156 OF 2021

IN

COMPLAINT NO.575 OF 2020

Daljit Singh Dahiya

....Complainant/Decree Holder

VERSUS

Parsvnath Developers Ltd.

....Respondent /Judgment Debtor

Date of Hearing: 06.02.2025

Hearing: 20th

Present: Mr. Sagar Dangi, Adv., for the decree holder.
Ms. Nectu Singh, Adv., proxy for Mrs. Rupali S. Verma, Adv.,
for the judgment debtor through VC.

ORDER

Today, the case is fixed for providing verified details of bank account/property of the judgment debtor by the decree holder for the purpose of attachment. The same has not been provided yet.

2. Learned counsel for decree holder has stated that he is unable to locate the bank account or property details of judgment debtor company and requested two weeks time for providing the same. Further, he has stated that neither


possession has been handed over nor any payment against delay interest has been paid till date. He wants to file application under section 63 of the RERA Act, 2016 for imposing penalty upon judgment debtor for non-compliance of order under execution.

On request, now, case is adjourned to 14.07.2025 to enable the decree holders to adopt any mode of recovery may in the form of providing the details of movable or immovable property to be attached or moving application under Order XXI Rule 41(2) CPC or any other mode which is available to it for recovery of the decretal amount at the earliest. It is also made clear that the decree holders have to submit the details of the properties sought to be attached only if these are situated within the territorial jurisdiction of this Court, otherwise, he has to seek transfer of decree for execution to another Court having territorial jurisdiction in accordance with law. 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

6/2/2025

account/property sought to be attached legally stand in the name of judgment debtor. Such directions have been passed to ensure that the property standing in the name of judgment 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.

On filing of the list and the affidavit, let the warrant of attachment be issued returnable on or before 14.07.2025.


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MAJOR PHALIT SHARMA
— ADSJ(Retd.)
ADJUDICATING OFFICER
06.02.2025