



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

BEFORE ADJUDICATING OFFICER

EXECUTION NO. 70 OF 2023

IN

COMPLAINT NO.89 OF 2019

Poonam Rathore

....DECREE HOLDER

VERSUS

Piyush Heights Residents Tower J and K Association

....JUDGEMENT DEBTOR No.1

Piyush Buildwell India Ltd.

....JUDGEMENT DEBTOR No.2

Piyush Heights Residents Welfare Association

...JUDGEMENT DEBTOR No.3

Date of Hearing: 24.04.2025

Hearing: 11th

Present:

Mr. Roop Singh, Advocate, for decree holder through VC.

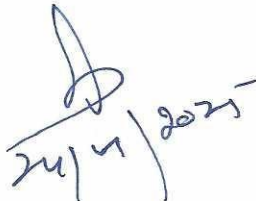
Ms. Aishwarya Dobhal, Advocate, for judgement debtor no.1 through VC.

Mr. Gaurav Gupta, proxy for Mr. Gaurav Singla, Advocate, for judgement debtor no.2 through VC.

None for judgement debtor no.3.

ORDER:

Today, case is fixed for filing reply by judgement debtors to the application of decree holder and arguments on the same.


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Case called several times but none has appeared on behalf of the judgment debtor no.3. It is already 04:00 PM. 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.

2. Learned counsel for judgement debtor no.1 has stated that reply has been filed with the office of the Authority, copy of which is also supplied to opposite parties through mail. The factum of receipt of reply has been got confirmed from the office of the Authority.
3. On the other hand, learned proxy counsel for judgement debtor no.2 has requested an adjournment as main counsel is not able to appear before this Forum due to some demise of his grandmother.


Heard.

Before proceeding further, this Forum poses a query to learned counsel for decree holder as to which part of the order under execution entitles the decree holder to claim rent of the unit in question allegedly used by the judgment debtor to keep scrap material? It is further made

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clear that this Forum in execution has to execute the order in the manner it is stated in the order under execution. Section 47 of CPC bars this Forum to travel beyond the contents of order under execution until and unless the RERA Act, 2016 and HRERA Rules, 2017, made thereunder under warrants to do otherwise different from the provisions of general law of Code of Civil Procedure, which does not appear to be the case under consideration.

On request, now, to come up on 18.08.2025 for arguments on the query raised above and for filing reply by judgement debtor no.2 to the application of decree holder.


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MAJOR PHALIT SHARMA
ADSJ(Retd.)
ADJUDICATING OFFICER
24.04.2025

Narinder Kaur
(Law Associate)