

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.161 of 2024

Date of Decision:12.05.2025

1. Raj Kumar Kadian,

2. Santosh Kadian

Both residents of House No. 1068, MC Ward No. 2, Sector 2,
Bahadurgarh, Haryana.

Appellants-Allottees

Versus

M/s Ruhil Promoters Pvt. Ltd., Registered Office at Khasra No.
28/33, Bhagya Vihar, Madanpur Dabas, Opposite Hiralal Public
School, New Delhi – 110 081.

Respondent-promoter.

CORAM:

**Justice Rajan Gupta
Shri Rakesh Manocha**

**Chairman
Member (Technical)**

Present: Mr. Rakesh Nehra, Sr. Advocate assisted by
Mr. M.S.Kathuria, Advocate
for the appellants.

Mr.Kamal Jeet Dahiya, Advocate,
for the respondent.

O R D E R:

RAJAN GUPTA, CHAIRMAN (ORAL):

Present appeal is directed against the order dated
20th of February 2024 passed by the Adjudicating Officer,
operative part whereof reads as under :

*“ 4. So far as the enhancement of basic sale price
is concerned, the judgment debtor is directed to
explain as to on what basis the basic sale price has
been enhanced. So far as the payment of GST is
concerned, the decree holder is not liable to pay. So
far as the amount spent on staircase is concerned,
judgment debtor is directed to get conducted the*

audit of staircase, so that the exact amount which was spent on staircase may come on record and the total amount be shared amongst all the owners of the flats and proportionate be paid by the decree holder. With regard to possession of the flat, the decree holder is directed to visit the site and point out deficiencies to the judgment debtor so that they can be removed. Though in the application, it has been prayed that possession of the flat be handed over to decree holder either rthrough Deputy Commissioner or through Superintendent of Police, yet it is pertinent to mention here that judgment debtor itself is ready to hand over possession to the decree holder, there is no need to take help of either the Deputy Commissioner or the Superintendent of Police. Judgment debtor is also directed to pay undisputed amount to decree holder.”

2. In the present appeal, only grievance of the appellants-allottees is that order/decreed passed by the Authority has not been complied with so far. Learned counsel for the appellants has referred to order dated 20th of February, 2024, operative part whereof has been reproduced above.

3. In view of plea raised by the appellants that there has been delay in execution of the orders passed by the Authority, report was sought from the Executing Court at Panchkula. A perusal of the report shows that it is proceeding further with the matter having invoked Order XLI Rule 5 (1) of CPC.

4. In view of the said report, it appears that grievance of the appellants has been redressed. The appellants are at liberty to raise all their pleas before the Executing Court as it is seized of the matter.

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5. Mr. Dahiya submits likewise. He submits that the respondent may be given liberty to raise objection, if any. This plea is allowed.

6. In view of above, appeal is hereby disposed of.

7. Copy of this order be forwarded to the parties, their counsel and the Authority below.

8. File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)

12.05.2025
dg