

4. Bhushan Mehta vs M/s Nani Resorts etc. E/4411/2024

Present: - Mr. Sanjeev Kumar Sharma, Advocate for DH.
Mr. Garvit Gupta, Advocate for JD.

Heard on objections raised by JD. This is a petition seeking execution of order passed by the Authority, dated 24.05.2024. This order was modified by the Authority vide order dated 26.07.2024.

It is pointed out by learned counsel for JD that despite said modification, DH has claimed date of payment as 04.10.2023, while after modification, it came to be 04.04.2024. This mistake is admitted by learned counsel for DH also.

It is further plea of learned counsel for JD that his client has already offered possession by issuing letter dated 07.06.2024 but DH did not admit the fact that JD was liable to pay a sum of Rs.1 lac only and due to that reason possession was not handed over.

Admittedly, it was for JD to pay ~~the~~ ^{the} amount and during deliberations, it is also admitted that along with said offer of the possession, demand was raised by JD and that amount of demand letter has already been paid by the allottee-DH. In such a circumstance, it was not proper for JD not to hand over possession of subject unit. Objections are thus disposed of.

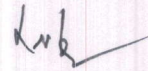
When JD is not handing over of the possession despite the fact that same has received payment of outstanding dues also, it was not valid offer of the possession. DH is thus entitled for interest either till actual possession is handed over or till valid offer is given.

Learned counsel for DH gave fresh calculation of decretal amount and requests for direction to JD to disclose its assets/properties including bank account and unsold inventories, which can be attached to realize decretal amount. Request is allowed. JD be directed to disclose its

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assets/properties including bank account and unsold inventories, which can be attached to realize the decretal amount. Information to be given in the form of affidavit to be sworn by anyone from directors of JD, preferably by Managing Director. At the same time, Tehsildar (Recovery Cell) of the Authority be asked to enquire about the properties of JD and to file his report till next date.

To come on 04.07.2025 for further proceedings.



(Rajender Kumar)
Adjudicating Officer,
01.04.2025