

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.106 of 2023

Date of Decision: July 29,2025

Vatika Limited, A-002, INXT, City Centre, Ground Floor,
Block-A, Sector 83, Vatika India Next Gurugram

Appellant.

Versus

Nitin Garg, H. No. C-904, Parsvnath Green Ville, Sohna Road,
Gurugram

Respondent

Present : Mr. Yashvir Singh Balhara, Advocate for the appellant.
Mr. Arun Sharma, Advocate for the respondent.

CORAM:

Justice Rajan Gupta
Rakesh Manocha

Chairman
Member (Technical)

O R D E R:

RAJAN GUPTA, CHAIRMAN:

Present appeal is directed against order dated
23.01.2023, passed by Adjudicating Officer of the Authority¹.
The same reads as under:

*“Vide order dated 22.09.2022, on the request made
by DH, two bank accounts of JD with HDFC Bank
were ordered to be attached. Managers of said banks
were directed not to allow withdrawal of any amount
from those accounts till further orders. Again, report
about balance in said bank accounts was also called
from the bank managers for the next date, which was
14.11.2022.*

*No report was received from said bank managers and
hence bailable warrants against the same were*

¹ Haryana Real Estate Regulatory Authority, Gurugram

ordered to be issued, apart from issuing show cause notice as why legal action be not taken against them.

Manager of HDFC Bank Sector 53, First India Place, Mehrauli Gurugram Road, is present. He files report. According to which, there is a net balance of Rs.1,45,53,283.40 as on today. At the same time, bank manager requests to recall show cause notice issued against him.

Considering the fact that report has already been received from said bank, show cause notice issued to its manager is recalled.

As per learned counsel for DH, Rs.17,12,279/- is recoverable from JD as on today. He requests to attach bank account of JD to extent of this amount.

Considering said fact, manager of aforesaid bank is directed to remit amount of Rs.17,12,279/- to the account of Authority, so that same can be disbursed to DH. A copy of this order be given to said manager for compliance. Counsel for JD, requests for adjournment to file his objections.

Vide order of this forum dated 22.09.2022, objections raised by JD have already been dismissed. No need for adjournment to file objections. Request in this regard is declined.

File be consigned to the record.”

2. It appears that the promoter floated a project “Signature Village 2” in Vatika India Next, Sector 82, Gurugram. The allottee booked a villa measuring 240 square yards in the said project on 04.01.2010 for a total consideration of Rs.79,24,650/-. The allottee remitted an amount of Rs.86,62,059.58 to the promoter. BBA² was executed between the parties on 25.02.2010, according to

² Builder Buyer’s Agreement

which, due date of possession was 25.02.2013. As there was delay in handing over possession of the unit, the allottee preferred a complaint before the Authority.

3. After hearing the parties, the Authority granted DPC³ to the allottee from 25.02.2013 to 02.03.2017, i.e. from due date of possession till offer of possession @10.75% per annum.

4. In execution proceedings initiated by the allottee, the impugned order has been passed.

5. Counsel for the appellant has assailed the impugned order on the ground that the Executing Court has travelled beyond the decree as DPC has been allowed beyond 02.03.2017.

6. Heard learned counsel for the parties.

7. Certain calculation sheets have been provided by both the parties. However, necessary expertise in computing the exact amount would be available with an accountant or financial expert. It appears that a report was sought by the Executing Court from the Chartered Accountant before passing the impugned order. Order of the Court is based on the said report. Thus, there is no infirmity with the order passed by the Executing Court. There is no ground for interference by this Bench.

8. The appeal is without any merit and is hereby dismissed.

9. Copy of this order be forwarded to the parties/their counsel and the Adjudicating Officer/Authority.

³ Delayed Possession Charges'

10. File be consigned to records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)

July 29, 2025
mk