



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

BEFORE THE ADJUDICATING OFFICER

EXECUTION NO. 2631 OF 2022

IN

COMPLAINT NO. 2 OF 2022

Harbinder Singh Kapany

....Complainant/Decree Holder

VERSUS

Parsvnath Developers Ltd.

....Respondent /Judgment Debtor

Date of Hearing: 25.09.2025

Present:

Mr. Akshat Mittal, Advocate, for the decree holder

Ms. Rupali S. Verma, Advocate, for the judgment debtor
through video conferencing

ORDER

Today, the case is fixed for appearance of the decree holder in response to the notice sent of the application of the judgment debtor for pre-ponement of the execution as the order under execution allegedly stands satisfied.

2. Learned counsel for the decree holder Sh. Akshat Mittal, has appeared in response to a notice sent and informed that the total subsistence

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allowance of ₹27,600/- deposited by the decree holder, has also been paid by the judgment debtor to the decree holder, thus the execution stands fully satisfied. He further requested that the decree holder be permitted to withdraw the amount of ₹27,600/- so deposited with the Authority and in lieu thereof, the decree holder would be returning ₹27,600/- to the judgment debtor through RTGS, so that the account between the two parties stand settled.

3. Learned counsel for the judgment debtor has confirmed to have received ₹27,600/- from the decree holder, thus, given her no objection if the amount so deposited by the decree holder as subsistence allowance is returned, it being remaining unused because of disposal of the execution before judgment debtors going behind bars.

4. This Forum after having heard learned counsels, is of the opinion that the amount of ₹27,600/- deposited by the decree holder as subsistence allowance be released to the decree holder by Hon'ble Authority, Panchkula, whenever there is a formal request from decree holder or its authorized counsel to get the same released. Hence, a copy of this order be sent to Hon'ble Authority, Panchkula, for the information and necessary action.

As per office report, the amount has further been deposited with the office of Superintendent, Central Jail, Ambala, as per procedure and is lying unutilised and would remain the same as money decree stands fully

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satisfied, so the Superintendent, Central Jail, Ambala, is directed to refund the amount in the name of HRERA, Panchkula, in turn to be returned to its depositor i.e. the decree holder. For compliance, a request letter be sent to Superintendent, Central Jail, Ambala, for compliance of the directions passed at para 4 of this order, in its letter and spirit, under intimation to this office.

5. Since, after passing of order dated 15.07.2025, the judgment debtor has honoured the decree to the satisfaction of the decree holder but as per order dated 15.07.2025 of this Forum, an action under Section 63 of the RE(RD) Act, 2016 is still pending, which legally the Adjudicating Officer as an executing Forum of its own order cannot initiate within the meaning of Section 63 but certainly it may impose costs under Section 35B CPC for causing delay, this Forum imposes a costs of ₹10,000/- upon the judgment debtor to be deposited with the Hon'ble Authority, for the delay caused in satisfaction of the order under execution.

The representative of the judgment debtor as well as its learned counsel have placed on record the receipt of the costs deposited with the Authority, which is taken on record.

6. In view of the facts and circumstances of the case as described above, since the decree holder is satisfied, after having received the amount due from the judgment debtor, who also has deposited the costs so imposed with the

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Authority, this Forum dispose of the present execution being fully satisfied as no further action in compliance of order dated 15.07.2025 is required.

7. File be consigned to record room after uploading the order on the website of the Authority.

Phalit Sharma

MAJOR PHALIT SHARMA
ADSJ(Retd.)
ADJUDICATING OFFICER
25.09.2025

