HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

EXECUTION NO. 464 OF 2024

IN

COMPLAINT NO. 905 OF 2022

Meenakshi ...DECREE HOLDER

VERSUS

Reheja Developers Pvt. Ltd. …JUDGEMENT DEBTOR

Date of Hearing: 28.10.2025

Hearing: 4th

Present: - Mr. Gaurav Jaglan, Advocate, for the decree holder through VC.
Judgment debtor already Ex-parte vide order dated 09.01.2025.
None for judgment debtor.

ORDER (DR. GEETA RATHEE SINGH- MEMBER)

1. The present case was adjourned for 16.09.2025. However, as per the observations made by the Hon'ble High Court in CWP No. 14937 of 2024 titled *M/s Vatika Ltd. versus Union of India and others*, in its order dated 24.04.2025, it has been directed that the execution petition be placed before this Hon'ble Authority. Pursuant to the said observations and directions, the

present case has been adjourned from the Hon'ble Adjudicating Officer and is now taken up before this Authority for consideration today.

2. Today, the case is fixed for filing of an affidavit in compliance of the provisions of Order XXI Rule 41(2) CPC and for filing of reply to application for setting aside Ex-parte order of judgment debtor by decree holder.

3. No compliance has been made by either of the parties.

4. Today, Adv. Sanjana Yadav appeared on behalf of judgement debtor and submitted that insolvency proceedings qua the judgement debtor company i.e Raheja Developers Ltd. have been initiated before the National Company Law Tribunal vide order dated 21.08.2025 passed in **C.P No. 284 of 2025 titled " Shravan Minocha and ors Vs Raheja Developers Ltd."** filed against judgement debtor company. As per order Mr. Brijesh Singh Bhadauriya has been appointed as an Interim Resolution Professional (IRP) for initiation of CIRP against the judgement debtor in present petition and moratorium in terms of Section 14 of the Code has also been declared vide said order. Relevant para(s) of said order are reproduced below for reference:

> *" 20.The applicant in Part-III of the application has proposed the name of Mr. Brijesh Singh Bhadauriya as Interim Resolution Professional, having Registration Number - IBBI/IPA-002/N01045/2020-2021/13385 having email id: bsb@bsbandassociates.in. Accordingly, Mr. Brijesh Singh*

Bhadauriya is appointed as an Interim Resolution Professional (IRP) for initiation of CIRP for Corporate Debtor. The consent of the proposed interim resolution profession in Form-2 is taken on record. The IRP so appointed shall file a valid AFA and disclosure about non-initiation of any disciplinary proceedings against him, within three (3) days of pronouncement of this order.

21. We also declare moratorium in terms of Section 14 of the Code. The necessary consequences of imposing the moratorium flows from the provisions of Section 14 (1) (a), (b), (c) & (d) of the Code.

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29. We further clarify that since the Corporate Debtor's project "Raheja Shilas (Low Rise)" is already undergoing CIRP pursuant to admission in separate proceedings, the present application, upon being allowed, shall result in initiation of CIRP against the Corporate Debtor in respect of all its projects, excluding the said project "Raheja Shilas (Low Rise)". Accordingly, all directions issued by this Adjudicating Authority in the present matter shall be confined to the Corporate Debtor as a whole, save and except the project "Raheja Shilas (Low Rise)"

5. In view of initiation of CIRP proceedings against the present judgment debtor i.e. Raheja Developers Ltd., any further proceedings in execution would be against spirit of Section 14 of the IBC,2016 as it is the IRP appointed therein to do needful further in accordance with law. It is also pertinent to mention here that there is no provision to keep such proceedings pending till CIRP proceeding culminates as no period could be laid for the same. Infact to curtail the multiplicity of litigation where moratorium has been declared, Hon'ble Apex Court in Civil Appeal no.7667 of 2021 titled as "Sundaresh Bhatt. Liquidator of ADG Shipyard v/s Central Board of Indirect Taxes and Customs" vide order dated 26.08.2022, has observed that "issuance of moratorium is mandate to declare a moratorium on continuation or initiation of any coercive legal action against the Corporate Debtor". However, prima facie findings of prohibition of execution against judgment debtor, a corporate entity, of this Authority are open to correction in view of law settled by Hon'ble Apex Court in P. Mohanraj & Ors. v/s M/s Shah Brother Ispat Pvt. Ltd., (2021) 6 SCC 258 and Anjali Rathi & Others v/s Today Homes and Infrastructure Pvt. Ltd.(2021)SCC Online SC 729, if finally facts of the case under consideration demands. Therefore, Authority directs the decree holder to apprise this Authority whether or not the decree holder has applied for claim with IRP?

6. In response, Mr. Gaurav Jaglan, learned counsel for the decree holder submitted that in view of the initiation of CIRP proceedings against the

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present judgment debtor i.e. Raheja Developers Ltd. the decree holder wishes to file a claim before the National Company Law Tribunal and prayed that he may be allowed to withdraw the present execution petition with a liberty to file fresh complaint for any remaining claim/dispute after completion of resolution proceedings.

7. Request of the learned counsel for decree holder is accepted. Decree holder is allowed to withdraw the present execution petition with a liberty to file fresh execution at the appropriate stage.

8. Execution petition is **disposed of** as withdrawn. File be consigned to record room after uploading of this order on the website of the Authority.

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DR. GEETA RATHEE SINGH
[MEMBER]