



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

EXECUTION NO. 2586 OF 2022

IN

COMPLAINT NO. 2854 OF 2019

Shilpa Sareen

....DECREE HOLDER

VERSUS

Trishul Dreams Homes Ltd.

.....JUDGMENT DEBTOR

CORAM:

Parneet S Sachdev

Chairman

Nadim Akhtar

Member

Dr. Geeta Rathee Singh

Member

Chander Shekhar

Member

Date of Hearing: 16.10.2025

Hearing: 12th

Present:

Mr. Sahil Sabherwal, proxy counsel for the decree holder
through Video call
None for Judgment debtor

ORDER (PARNEET S SACHDEV-CHAIRMAN)

1. On perusal of file, it is observed by the Authority that present execution petition was adjourned twice for compliance of the order under execution till May 2023. Thereafter, vide order dated 27.07.2023, judgment debtor had brought to the notice of Court that vide order dated 16.06.2023 passed by Hon'ble NCLT, Chandigarh in CP(B) No. 132/chd/Hry/2022, Interim Resolution Professional has been appointed. From then, matter is only being adjourned for awaiting orders from Hon'ble NCLT, Chandigarh. However, none of the parties have placed on record copy of the order till date.
2. During hearing, Authority asked the counsel for decree holder as to how the present execution petition for the execution of the orders passed by this Authority could proceed further when there is bar under Section 14 of the Insolvency & Bankruptcy Code, 2016 (hereinafter referred as Code, 2016), in view of the order dated 16.06.2023 passed by Hon'ble NCLT, Chandigarh.
3. Learned counsel for the decree holder stated that he has no instruction with regard to the same and sought short adjournment since main counsel is not available.
4. Authority taking into consideration that Interim Resolution Professional stands appointed vide order dated 16.06.2023 for respondent company/judgment debtor, is of the considered view now that initiation of CIRP proceedings against



the present judgment debtor i.e. Trishul Dreams Homes 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. In fact 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.

5. Since the present execution petition for the execution of the order passed by this Authority cannot be proceeded with because of the legal bar provided under Section 14 of IBC, 2016, in view of order dated 16.06.2023 of Hon'ble NCLT,



Chandigarh, the present execution petition is disposed off as cannot be proceeded with further.


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CHANDER SHEKHAR
[MEMBER]


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DR. GEETA RATHEE SINGH
[MEMBER]


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NADIM AKHTAR
[MEMBER]


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PARNEET S SACHDEV
[CHAIRMAN]