HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

EXECUTION NO. 2993 OF 2022

IN

COMPLAINT NO. 945 OF 2022

Gaurav Sharma ...DECREE HOLDER

VERSUS

Reheja Developers Ltd. ...JUDGEMENT DEBTOR

Date of Hearing: 28.10.2025

Hearing: 13th

Present: - Mr. Dinesh Kr. Dakoria, Learned Counsel for Decree Holder
Judgment debtor already ex-parte vide order dated 21.01.2025
None for Judgement Debtor.

ORDER (DR. GEETA RATHEE SINGH- MEMBER)

1. The present case was adjourned for 25.08.2025. 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, Adv. Sanjana Yadav appeared on behalf of judgement debtor and accepted the notice. She further 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)"

Upon perusal of record it is revealed that no vakalatnama has been placed on record in the name of Adv Sanjana Yadav on behalf of the answering judgement debtor. Hence, the presence of Adv Sanjana Yadav is not being marked

3. 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 enquired from the decree holder whether or not the decree holder has applied for claim with IRP?

4. Mr.Dinesh Kr. Dakoria, learned counsel for the decree holder, submitted that in view of the initiation of CIRP proceedings against the present judgment debtor i.e. Raheja Developers Ltd., he will file claim before the National Company Law Tribunal and requested that he may be allowed to withdraw

the captioned execution petition with a liberty to file fresh execution at the appropriate stage. He further prayed that his claim before the IRP should not be hampered by limitation as he was pursuing present execution before this Authority..

5. Request of the counsel for the decree holder is accepted. Decree holder is allowed to withdraw the captioned petition with a liberty to file fresh execution at the appropriate stage. With regard to filing of claim before the IRP, Authority observes that since the present decree holder had been pursuing his cause of action before the Authority and has recently became aware, the IRP may consider condoning of the period for filing of claims as per relevant law

6. 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]