



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

EXECUTION NO. 2585 OF 2022

IN

COMPLAINT NO. 2850 OF 2019

Amit 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: 30.10.2025

Hearing: 12th

Present: Mr. Nitin Kant Setia, counsel for the decree holder through
Video call
None for Judgment debtor

ORDER (PARNEET S SACHDEV-CHAIRMAN)

1. The present case was adjourned for 11.09.2025. 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 awaiting order of Hon'ble NCLT, Chandigarh.
3. Today, Adv. Nitin Kant Setia appeared on behalf of decree holder and submitted that since insolvency proceedings qua the judgement debtor company i.e Trishul Dreams Homes Ltd. have already been going on and Interim Resolution Professional has been appointed. Present case be disposed of with a liberty to decree holder to file fresh execution at the appropriate stage.
4. Authority taking note that Interim Resolution Professional stands appointed vide order dated 16.06.2023 for respondent company/judgment debtor, is of



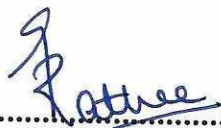
the considered view now that initiation of CIRP proceedings against the present judgment debtor i.e. Trishul Dreams Homes Ltd, any further proceedings in execution would be against spirit of Section 14 of the IBC, 2016 as it is the IRP appointed therein to do needful further in accordance with law. It 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. However, decree holder is at liberty to file fresh execution at the appropriate stage, if any cause of action remains and law permits.


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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]