



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

EXECUTION NO. 1821 OF 2024

IN

COMPLAINT NO. 1844 OF 2022 .

Vinay Gupta

.....DECREE HOLDER

Versus

HSIIDC

...JUDGEMENT DEBTOR

Date of Hearing: 17.11.2025

Hearing: 3rd

Present: Mr. Vikasdeep, Advocate, for decree holder through VC.
None present for judgement debtor.

ORDER (NADIM AKHTAR-MEMBER)

1. The case was adjourned for 27.10.2025. 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 Hon'ble Authority for consideration today.

2. Case is for awaiting compliance report of order under execution and for filing power of attorney by judgment debtors. Today, no one has put in appearance on behalf of judgment debtor.
3. Decree holder is directed to submit verified details of movable or immovable property of judgment debtor situated within the jurisdiction of this Authority, within 30 days from today to get the same attached for recovery of the decretal amount. However, such details must be duly supported by an affidavit of the decree holder to say that the details of the property sought to be attached legally stand in the name of the judgment debtor and could legally be attached for recovery of decretal amount. Such details must be duly supported by an affidavit of the decree holder to say that the details of the bank account/property sought to be attached legally stand in the name of judgment debtor. As per settled proposition of law laid down in City Bank, N.A v/s Indo-American Electrical Ltd. AIR 1981 Del 27,” as a general rule, territorial jurisdiction is a condition precedent to a Court executing a decree and neither the Court which passed the decree nor the Court to which it is sent for execution can execute it in respect of the property lying outside its territorial jurisdiction.” Such directions have been passed to ensure that the property standing in the name of judgment debtor is



only got attached. It is further directed that the details of "Separate account" (ESCROW account), which is to be utilized for the construction of the project, should be avoided because legally its attachment order may cause prejudice to the other co-allottees of the project.

4. In alternate, decree holder may move an application under Order XXI Rule 41 Civil Procedure Code, or, Order XXI Rule 37 Civil Procedure Code, after having met with requirement of issuance of warrants of arrest laid in Section 51, Order XXI Rule 11(A), Rules 30 and 40 Civil Procedure Code.
5. Case is adjourned to 09.03.2026.


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NADIM AKHTAR
[MEMBER]