

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.503 of 2025

Date of Decision: 09.10.2025

Amit son of Shri Bharat Singh, aged about 45 years, Resident of House No.744, Sector 18, Old Faridabad, District Faridabad, Haryana 121002

Appellant

Versus

1. M/s Choice Real Estate Developers Pvt. Ltd. registered office at C-9/9856, Vasant Kunj, New Delhi

2. M/s. Vipul Limited registered office at Regus Rectangle, Level-4, Rectangle-1, D-4 Commercial Complex, Saket New Delhi 110017

Respondents

CORAM:

**Justice Rajan Gupta
Dr. Virender Parshad
Shri Dinesh Singh Chauhan**

**Chairman
Member (Judicial)
Member (Technical)**

Present: Mr. Yogesh Dayal Kaushik, Advocate,
for the appellant.

O R D E R:

RAJAN GUPTA, CHAIRMAN (ORAL):

Complainant (appellant herein) approached the Authority¹ at Panchkula seeking refund of the entire amount collected by the respondents from him along with 18% interest in lieu of unit booked by him in "Pratham Apartments", Bawal, Sector 10, Rewari. His plea was

¹ Haryana Real Estate Regulatory Authority at Panchkula

that the respondents failed to handover possession within the stipulated period. Several reminders were sent to them and payments were also made in time but to no avail. The Authority considered the case of the appellant and disposed of the same directing the respondents to refund the entire paid up amount along with interest @ 11.10% (Rs.87,02,119/-) within 90 days, failing which, legal consequences would follow.

2. Pursuant to above, the appellant preferred execution petition before the Authority at Panchkula. The executing court proceeded further and also issued warrants of attachment returnable on 28.08.2025.

3. As per counsel, thereafter appellant moved an application for bringing on record all the properties owned by the respondents. However, same was not accepted by the Executing Court.

4. Being aggrieved, appellant preferred instant appeal before this Tribunal. On 27.08.2025, the matter came up for hearing before this Bench and notice was issued to the respondents. Liberty was also granted to the executing court to pass appropriate orders to prevent the judgment debtor from frustrating the decree.

5. Today, learned counsel for the appellant has produced a copy of order dated 15.09.2025 passed by the Authority. Same is taken on record. Operative part thereof reads as under:

4. Decree holder has placed on record the details of the property and account details and has also submitted the certified copies in complaint along with the deficient fee. However, it has not been stated in the affidavit whether the said property and account are free from any encumbrances. Authority directs the decree holder to submit details of properties of judgment debtor that are free from any encumbrances within 15 days. Judgment debtor is also directed to file an affidavit of disclosure of all his movable and immovable properties that are free from any encumbrances supported by relevant documents to comply with provisions of Order XXI Rule 41(2) CPC, failing which this Forum would act

in accordance with provisions of Order XXI Rule 41(3) CPC against the judgment debtor.

5. Case is adjourned to **10.11.2025**.

Sd/-
Nadim Akhtar
Member”

6. Perusal of the aforesaid order shows that executing court is now seized of the matter and is proceeding further to take the execution to its logical end.

7. Only grouse of the appellant is that executing court has not passed any order to ensure that the respondent-developers do not alienate the property or create third party rights thereon. He apprehends that in such eventuality, the decree passed in his favour would be frustrated. We, thus, clarify that the executing court would be at liberty to pass such order so as to ensure that the directions given by the Authority in the decree are not defeated.

8. As the counsel for the appellant is satisfied with the above direction, he prays that he may be allowed to withdraw the instant appeal.

9. In view of above, appeal is dismissed as withdrawn.

10. Copy of this order be sent to the parties, their counsel and the Authority below.

11. File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dr. Virender Parshad
Member (Judicial)

Dinesh Singh Chauhan
Member (Technical)

09.10.2025
Manoj Rana