



Execution No. 2507 of 2022

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

EXECUTION NO. 2507 OF 2022

IN

COMPLAINT NO. 1108 OF 2019

Faqir Chand Gupta

....DECREE HOLDER

VERSUS

TDI Infrastructure Ltd.

....JUDGMENT DEBTOR

Coram: Sh. Chander Shekhar Member

Date of Hearing: 09.01.2026

Hearing: 11th

Present: Ms. Nidhi Jain, Advocate, for the Decree Holder through VC.
Mr. Shubhnit Hans, Advocate, for the Judgement Debtor.

ORDER

The case was initially fixed for 30.10.2025 for arguments on application for additional interest.

2. The file is taken up today due to the delegation of powers by the Authority under Section 81 of the Real Estate (Regulations and Development) Act, 2016, to a Single Member Bench(s) and in reference to the observations made by the Hon'ble Punjab and Haryana High Court in CWP No. 14937 of 2024 titled "*M/s Vatika Ltd. vs. Union of India & Others*", dated 24.04.2025.


3. Learned counsel for the decree holder has argued that additional interest be granted to the decree holder till realization of the pre-deposit amount, to which learned counsel for the judgment debtor has objected and requested to dispose of the present execution as fully satisfied because the amount of pre-deposit as ordered by the Hon'ble Appellate Tribunal in Appeal no.666 of 2022 has been released to the decree holder along with interest accrued thereon.

4. The facts in brief are that the judgment debtor had challenged the order dated 18.05.2022 under execution before the Hon'ble Appellate Tribunal. In compliance with Section 43(5) of the RERA Act, 2016, the judgment debtor deposited the mandatory pre-deposit amount as a condition for entertaining the appeal. The Hon'ble Appellate Tribunal, upon hearing the parties, dismissed the appeal and specifically directed that the pre-deposit amount of ₹28,53,139/- be disbursed to the decree holder along with interest subject to tax liability if any, as per law.

5. Pursuant thereto, the amount ₹28,96,862/- (₹29,01,720/- minus

TDS of ₹4,858/-) together with the interest accrued thereon has been released to the decree holder. The decree holder now claims that he is further entitled to additional interest till the date of realization of the said amount.

6. This Authority finds that the said claim is not sustainable in law. The pre-deposit made under Section 43(5) of the RERA Act is a statutory deposit and the direction of the Hon'ble Appellate Tribunal to release the same "along with interest" clearly refers to the interest accrued on the deposited amount while lying with the Authority. The Hon'ble Appellate Tribunal has not granted any further or continuing interest beyond the interest accrued on the pre-deposit. In the absence of a specific direction awarding additional interest, this Executing Authority cannot enlarge or go behind the Appellate Tribunal's order. It is a settled principle of law that an executing court or authority must execute the decree as it stands and cannot grant any relief which has not been expressly awarded. Granting additional interest at the execution stage would amount to modifying the Appellate Tribunal's order, which is not permissible.

 7. Accordingly, once the pre-deposit amount along with accrued interest has been disbursed in terms of the Hon'ble Appellate Tribunal's order, the decree stands satisfied to that extent and no further interest can be claimed on the said amount.

8. The Authority finds no merits in the prayer of the decree holder claiming additional interest and the request of additional interest is rejected. During hearing of the case, the next date of hearing was announced as 17.04.2026 but on considering the facts of the case, it is ordered to be disposed of as fully satisfied.

9. In view of the above facts and circumstances, the present execution petition stands **disposed of as fully satisfied**. File be consigned to record room.

09.01.2026
Narinder Kaur
(Law Associate)


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(CHANDER SHEKHAR)
MEMBER