



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

Execution No. 39 of 2023

In

Complaint No. 772 of 2019

Rakesh Bangay

....Decree Holder

VERSUS

Heritage Cottages Pvt. Ltd.

...Judgment Debtor

CORAM:	Parneet S Sachdev	Chairman
	Nadim Akhtar	Member
	Chander Shekhar	Member

Date of Hearing:- 04.12.2025

Hearing:- 10th

Present:- None for the decree holder.
None for the judgment debtor.

ORDER (PARNEET S SACHDEV- CHAIRMAN)

1. The case was listed for 30.10.2025 for dasti service of notice upon the judgment debtor. 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

received from the Hon'ble Adjudicating Officer and is now taken up before this Hon'ble Authority for consideration today.

2. As per office report, dasti notice has not been collected by decree holder from office till date neither anyone has appeared to represent the decree holder.
3. It is pertinent to note that as per the office record, vide order dated 27.01.2025 on Eighth hearing of the present complaint it was observed that –
 1. *Today, case is fixed for service of notice upon the judgment debtor after providing fresh address by the decree holder. Same has not been provided yet.*
 2. *Learned counsel for decree holder has stated that decree holder is having the same registered office address of the judgment debtor and further requested to send notice on the same address and give it dasti for service. Heard. Request allowed. Hence, on request, notice to judgment debtor is ordered to be issued returnable on or before 22.05.2025 and the same be given dasti to the decree holder for the service.*
4. Further, the case was heard on 22.05.2025, wherein the factum of non-collection of dasti notice from the office of the Authority was recorded.
5. The Authority observes that today marks the 10th hearing in the present matter. Despite lapse of considerable time and repeated opportunities, the decree holder has not taken steps to collect the dasti notice for service. Further, none has appeared on behalf of the decree holder today to explain the inaction or to seek further time. This reflects a lack of due diligence in pursuing the execution proceedings.
6. This conduct has contributed to an inordinate delay of 311 days, which is not only unwarranted but also obstructs the timely dispensation of justice. In the



case of **Kedar Nath Kohli vs Sardul Singh**, 2003VIIIAD(DELHI)313, the Hon'ble Delhi High Court upheld the maxim of *Actori incumbit onus probandi*. As is clear from the conduct of the complainant, he has not even bothered to substantiate his own claims. In such a situation, the Authority is left with no option but to dismiss the complaint for non-prosecution.

7. Therefore, the complaint is accordingly **dismissed in default** for non-prosecution in view of above terms. File be consigned to the record room after uploading of the order on the website of the Authority.




CHANDER SHEKHAR
[MEMBER]


NADIM AKHTAR
[MEMBER]


PARNEET S SACHDEV
[CHAIRMAN]