HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

EXECUTION NO. 1832 OF 2025
IN
COMPLAINT NO. 1718 OF 2022

Prem Sagar ....DECREE HOLDER

VERSUS

M/s BPTP Ltd. ....JUDGMENT DEBTOR

CORAM:	**Parneet Singh Sachdev**	**Chairman**
	Nadim Akhtar	**Member**
	Dr. Geeta Rathee Singh	**Member**
	Chander Shekhar	**Member**

Date of Hearing: 19.02.2026

Hearing: 1st

Present:- Ms. Anu, Counsel for the decree holder through VC.
Ms. Neha, Proxy Counsel for Adv. Hemant Saini, Counsel for the respondent/Judgment Debtor through VC.

ORDER (PARNEET S. SACHDEV-CHAIRMAN)

1. Captioned complaint is for execution of the order dated 18.03.2025 passed by the Authority in complaint case no. 1718/2022 whereby, respondent was directed to refund an amount of Rs 1,40,03,576/- (interest calculated upto 18.03.2025) within 90 days.

2. Today, ld. counsel for judgment debtor stated that appeal no. 424/2025 has been filed wherein pre-deposit to the tune of Rs 1,40,03,576/- has already been made. Said appeal is not yet listed for hearing. Monetary interest of decree holder stands secured. She requested that case be adjourned awaiting outcome of said appeal.

3. Ld. counsel for decree holder stated that no stay has been granted by Hon'ble Appellate Tribunal so there is no need to wait for outcome of appeal.

4. Since there is no stay of the order of the Hon'ble Authority subject to execution under consideration, this Authority is legally bound to proceed with the execution for its disposal in accordance with law. Order XLI Rule 5(1) Civil Procedure Code, provides, "An appeal shall not operate as a stay of proceedings under a decree or order appealed from except so far as the Appellate Court may order, nor shall execution of a decree be stayed by reason only of an appeal having been preferred from the decree; but the Appellate Court may for sufficient cause order stay of execution of such orders." Undoubtedly, the judgment debtor has some force in his plea that once amount has been deposited before filing an appeal, in execution he cannot be asked to pay the same amount. However, in the absence of a stay, the execution proceedings have to proceed further.

5. Accordingly, decree holder is at liberty to submit verified details of movable or immovable property of judgment debtor situated within the jurisdiction of this Authority, by **15.05.2026** in registry 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.

6. Case is adjourned to **23.07.2026** .

CHANDER SHEKHAR
[MEMBER]

DR. GEETA RATHEE SINGH
[MEMBER]

NADIM AKHTAR
[MEMBER]

PARNEET S. SACHDEV
[CHAIRMAN]