



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: 09.03.2026

Hearing: 4th

Present: Mr. Vikasdeep, Adv. for decree holder through VC.
Mr. Tarun Gupta, Adv. for judgement debtor through VC.

ORDER (NADIM AKHTAR-MEMBER)

1. Today, case was fixed for furnishing verified details of the bank accounts and/or properties of the judgment debtor by the decree holder(s), for the purpose of attachment to recover the decretal amount, or in the alternative, for filing an appropriate application under Order XXI Rule 41 of the CPC. As per the office report, an application under order XXI rule 41 has been filed by the decree holder in the registry on 29.01.2026.

2. Ld counsel for decree holder stated that judgment debtor filed to satisfy the decree till date. Further, he stated that decree holder is unable to furnish the bank details of the bank accounts and/or properties of the judgment debtor, therefore, judgment debtor may be directed to furnish the said details.
3. Learned counsel for the judgment debtor sought further time to comply with the previous order.
4. The Authority observes that sufficient opportunities have already been granted to the judgment debtor to comply with the aforesaid directions, and any further delay would defeat the ends of justice.
5. Given the circumstances, the Authority deems appropriate to reproduce the order under execution dated 08.07.2024, passed by this Authority, as under:—

45. From above discussion, it is amply proved on record that the respondent has not fulfilled its obligations cast upon them under RERA Act, 2016 and the complainant is entitled for refund of their deposited amount along with interest. Accordingly, respondent will be liable to pay the interest to the complainant from the dates when amount was paid till the actual realization of the amount. Hence, Authority directs respondent to refund to the complainant the paid amount along with interest at the rate prescribed in Rule 15 of Haryana Real Estate (Regulation and Development) Rules, 2017, i.e., at the rate of SBI highest marginal cost of lending rate (MCLR) + 2% which as on date works out to 10.95% (8.95%+2.00%) from the date amount was paid till the actual realization of the amount. Authority has got calculated the total amount to be refunded along

with interest calculated at the rate of 10.95% from the date of payment till the date of this order, which comes to 59,28,237/- (235,92,000/- (principal amount) +23,36,237/- (interest accrued till 08.07.2024), according to the receipts/statement of accounts provided by the complainant, details of which are given in the table.....

.....(i) Respondent is directed to refund the entire amount deposited by the complainant along with interest @10.95% to the complainant as specified in the table provided above in para no 45 from the dates when amounts were paid till the actual realization of the amount.

6. It is observed that Authority vide its order dated 08.07.2024 has awarded refund of the amount deposited along with interest at the rate prescribed in Rule 15 of HRERA, Rules 2017 from the date of making payments till actual realization of the amount. Further at Para 45 of said order, calculations of the amount on the date of passing of the order were made and the respondent was directed to pay a total amount of ₹59,28,237/- (₹35,92,000/- + ₹23,36,237/-) to the complainant.
7. Authority decides that the calculation of interest at the rate of 10.95% per annum (rate at the time of passing of order dated 08.07.2024) shall be undertaken by the Authority itself till the date of realization.
8. Admittedly, the amount of refund of ₹59,28,237/- was not paid which otherwise was the direction, so, there can't be denial on the part of the judgment debtor that legally it is bound to pay interest on delayed payment till actual realization, w.e.f. 08.07.2024, in view of provisions of Section

2(z) and Section 18 of the RERA Act, 2016 read with Rules 15 & 16 of the Rules, 2017.

9. Now, it is to be seen as to what had been the payment schedule of the judgment debtor, so that interest on delayed payment is calculated accordingly. The details are as under:

Factual Position

i.)	The date of order of Hon'ble Authority, under execution	08.07.2024
ii.)	Total Amount awarded up to 08.07.2024	₹59,28,237/-
iii.)	Principal Amount paid by decree holder	₹35,92,000/-
iv.)	Interest amount calculated till 08.07.2024	₹23,36,237/-
v.)	Rate of Interest	10.95% as per Rule 15 of HRERA Rules, 2017

Since the entire principal amount still stands due, the judgment debtor will be liable to pay additional interest on said amount till actual realization.

The detailed calculations of the amount due (calculated till date), are as under;

From Date	End Date	Time Period	Principal Amount due (in ₹)	Interest Rate	Additional Interest Amount (in ₹)
09.07.2024	09.03.2026	1 year, 244 days	₹35,92,000/-	10.95%	₹6,56,258/-
	Total				₹6,56,258/-

10. In view of the above, decree holder is held entitled to get an amount of ₹65,84,495/- (₹35,92,000/- Principal Amount + ₹13,21,387/- interest + ₹6,56,258/- (additional delay interest till date). The decree holder shall further be entitled to interest on the aforesaid amount at the rate of 10.95% per annum for any further delay, until the date of actual realization.
11. Admittedly, the judgment debtor has not complied with the order under execution till date. Hence, Authority observes that since this execution petition pertains to refund of the paid amount along with interest, Hon'ble Punjab and Haryana High Court at Chandigarh, while deciding a case titled as - M/s Vatika Limited V/s Union of India and others CWP No. 14937 of 2024 on 24.04.2025, has directed the Authority/Adjudicating Officer to take appropriate measures to get recovery effected, in such proceedings as arrears of land revenue. Relevant portion of judgment is reproduced here as under: -

“36. However, it is clarified that the orders respectively passed by the Regulatory Authority or by the Appellate authority or by the Adjudicating officer authority, as created under the act of 2016 shall become separately executed by them, through the opposite application(S) in terms of Section 40(1) of Act 2016, becoming filed before each of the (supra) whereafter in case the levies imposed upon concerned, if remained undeposited, thus subsequently, on the filed execution application, rather before each, thus they shall be recovered as arrears of land revenue in terms of Rule 27 of the Rules of 2017, besides in terms of section

67 of the Act 1887, Moreover in doing so all (supra) shall ensure that the opposite orders are executed in the same manner, as decrees rendered by civil court of competent jurisdiction, thus are executed."

12. Section 67 of the Haryana Land Revenue Act, 1887 provides the processes for recovery of arrears which is as under:

"67. Processes for recovery of arrears.-- Subject to the other provisions of this Act, an arrear of land-revenue may be recovered by any one or more of the following processes, namely: - (a) by service of writ of demand on the defaulter; (b) by arrest and detention of his person; (c) by distress and sale of his movable property and uncut or ungathered crops; (d) by transfer of the holding in respect of which the arrear is due; (e) by attachment of the estate or holding in respect of which the arrear is due; (f) by annulment of the assessment of that estate or holding; (g) by sale of that estate or holding; (h) by proceedings against other immovable property of the defaulter."

Section 67 of the Act of 1887 thus encompasses the power to arrest and detain the defaulter, to attach and sell his movable property or immovable property for recovery of the amount in question and said powers are conferred on a revenue officer appointed by State Government as per provisions of Section 27 of the Act of 1887. Accordingly, in exercise of powers conferred under Section 40(1) of the Real Estate (Regulation and Development) Act, 2016, this Authority hereby issues a Recovery Certificate for recovery of a sum of ₹65,84,495/-. The Deputy

Commissioner cum Collector, Sonipat, is hereby requested and directed to take necessary steps in accordance with law for recovery of the aforesaid amount under the applicable provisions of the Haryana Land Revenue Act, 1887, and to remit the recovered amount to the complainant(s) forthwith. The Recovery Certificate shall be executed strictly in accordance with law and the respondent-promoter shall bear all incidental costs arising there from. A copy of this order, along with the Recovery Certificate, be transmitted to the Deputy Commissioner cum Collector, Sonipat, for immediate compliance.

13. Case is adjourned to **03.08.2026** for compliance of order under execution.



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NADIM AKHTAR
[MEMBER]