



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

BEFORE ADJUDICATING OFFICER

EXECUTION NO. 2591 OF 2023

IN

COMPLAINT NO. 2502 OF 2022

Uma Khanna

....Complainant/Decree Holder

VERSUS

Movish Realtech Pvt. Ltd.

....Respondent /Judgment Debtor

Date of Hearing: 02.02.2026

Hearing: 9th


Present: Mr. Kunal Thappa Adv; for the complainant/decree holder through VC.

Mr. Kamaljeet Dahiya Adv., for the Respondent /judgment debtor.

ORDER

1. Today, the case is fixed for arguments on question whether the Adjudicating Officer in an execution of its own order, could follow the procedure for the execution laid in the Code of Civil Procedure, a legal question raised for the judgment debtor.

At this stage, learned counsel for the judgment debtor has brought to the notice of this Forum that though, learned Predecessor of this Forum had granted compensation in this case but the said complaint as such for compensation was not maintainable because the allottee never got relief of refund under Section

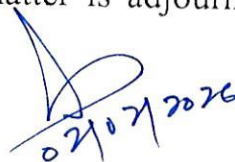

02/02/2026

18(1) of the RE(RD) Act, 2026, from the Hon'ble Authority, rather, allottee's complaint seeking possession of the unit is still pending adjudication before Hon'ble Authority and such allottee who does not withdraw from the project as such is not entitled for compensation within the meaning of proviso to Section 18(1) of the Act, 2016. He has further argued that the order under execution as such is nullity as has been passed without the Ld. Forum having inherent jurisdiction i.e. it being violative of principles of Section 31 read with Section 35 read with Rule 29, Rule 28(2m) and the Format CAO, hence it cannot be executed. Finally, he has prayed to dismiss the execution as such.

2. On the other hand, learned counsel of the decree holder has argued that the order for compensation was passed on dated 02.05.2023, thus has attained finality, so such order has to be executed in accordance with law. He further argued that the order under execution being legally intact has to be given effect of as the execution Court can't travel beyond decree as mandated in Section 47 of the Code of Civil Procedure, the provisions of which this Forum could rely within the meaning of Section 40 of the Act, 2016 read with Rule 27 of the HRERA Rules, 2017. Finally, he has prayed to take action under Order XXI Rule 37 and 41(3) of the Code against the judgment debtor.

3. Heard.

4. Since, new legal question has cropped up before this Forum as to whether the present order under execution as such is executable or not, on request of learned counsels for both the parties, matter is adjourned to dated 30.03.2026 for

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final arguments on this issue. Both learned counsels are given liberty to submit their written arguments duly supported by law, if any, prior to the date of hearing with exchange of advance copy to each other, so that on the next date of hearing this legal issue could finally be settled, in accordance with law.

Let, the order be uploaded on the web portal of the Authority.


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MAJOR PHALIT SHARMA
ADSJ(Retd.)
ADJUDICATING OFFICER
02.02.2026