



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

Execution No. 1787 of 2024

In

Complaint No. 1398 of 2021

N K Seth Gobind Arora Sunil Bahl

....DECREE HOLDER

VERSUS

Elite Homes Pvt. Ltd.

.....JUDGMENT DEBTOR

CORAM:

Parneet S Sachdev

Chairman

Nadim Akhtar

Member

Dr. Geeta Rathee Singh

Member

Date of Hearing:- 22.01.2026

Hearing:- 2nd

Present:- Adv. Ravinder Jain, counsel for the decree holder

Adv. Manoj Vashistha, counsel for the judgment debtor through VC

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ORDER (PARNEET SINGH SACHDEV - CHAIRMAN)

1. Adv. Ravinder Jain, counsel for the decree holder stated that as per order dated 21.04.02025, judgment debtor was given opportunity to file objection and power of attorney. Till date, same has not been complied with by the judgment debtor.
2. Adv. Manoj Vashishth, appeared for judgment debtor and apprised the Authority that objection stands filed on 12.08.2025 in registry. He briefly stated the facts that present petition is for execution of the order dated 09.08.2022 passed by the Authority in complaint case no 1398 of 2021 whereby, following directions were passed:

“6. III. Since in present complaint both parties have defaulted in complying with their respective obligations, Authority in the interest of quity and natural justice freezes the right of both parties in the year 2016 and present matter is being dealt as if in the year 2016 itself. In such light, Authority observes that the offer of possession dated 07.03.2016 is a valid offer of possession and complainant is liable to honour entire demand of ₹3,05,444/- so raised by respondent. Complainant shall accept said offer of possession within 30 days of uploading of this order failing which respondent will be entitled to take further action in accordance with the terms of agreement. Along with said offer of possession respondent will issue a statement of accounts clearly mentioning the amount of interest payable to complainant as calculated in para 6(i) of this order (=9,52,717/-) after adjusting the remaining balance amount that is to be paid by complainant to respondent”

=3,05,444/-). Amount of interest payable to complainant works out to ₹ 6,47,273/-.

IV. Further demand raised on account of holding charges and maintenance charges are quashed as the same will not be payable in the year 2016.”

Rather than, complying with the above directions issued by the Authority, decree holder filed an application under section 151 CPC read with section 37 of HRERA Act, 2016 for grant of extension of time period in which complainant can take physical possession of his booked flat. However, the same was rejected by Authority vide its order dated 28.03.2023. He further argued that since it's the decree holder who is at fault as he has still not taken possession of his unit, after lapse of almost three years. Therefore, respondent was left with no other option, but to cancel the allotment of his unit. Lastly, he requested the Authority that due to persistent defaults of the decree holder; present execution petition may be disposed of with heavy cost imposed upon decree holder.

3. After hearing both the parties and going through previous orders, Authority takes note that original order dated 09.08.2022 was passed on merits after taking into consideration all the facts and submissions of the parties. However, decree holder prayed the Authority to rectify certain part of the disposal order vide rectification application which was duly rejected by the Authority vide order dated 28.03.2023. Since then 1032 days have been

elapsed but decree holder has failed to take possession on the one or the other pretext. Even when decree holder has the opportunity to opt for appropriate remedy, he chose to file present execution petition on 07.11.2024, despite he was not satisfied with the original order passed by the Authority. This conduct of decree holder shows that he just wanted to buy certain time in order to delay the proceedings and had no intent to execute the order under execution. Furthermore, decree holder has failed to place on record any document which proves that there were any circumstances which were beyond his control to execute the order under execution.

4. In view of above, Authority deems appropriate to **dispose of** the execution petition as dismissed.

File be consigned to the record room after uploading of the order on the website of the Authority.



DR. GEETA RATHEE SINGH
[MEMBER]



NADIM AKHTAR
[MEMBER]



PARNEET S SACHDEV
[CHAIRMAN]