

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 58 of 2025

Date of decision: February 12, 2026

Jaspal Kaur wife of Shri Kulwinder Singh, resident of WZ-251Q, Second Floor, Street No.1, Virender Nagar, Janakpuri, B-1, S.O. West Delhi, Delhi 110058

... Appellant

Versus

TDI Infracorp (India) Ltd, through its Director/Manager, Office at UGF, Vandana Building, 11 Tolstoy Marg, Connaught Place, New Delhi 110001

...Respondent

**CORAM: Justice Rajan Gupta Chairman
Shri Dinesh Singh Chauhan Member (Technical)**

Present: Ms. Deepti Bansal, Advocate
for the appellant.

Mr. Shubnit Hans, Advocate with
Mr. Anajanpreet Singh, Advocate for the respondent.

ORDER

RAJAN GUPTA, CHAIRMAN:

Present appeal has been preferred by the appellant-allottee assailing order dated 18.11.2024 passed by the Adjudicating Officer, Haryana Real Estate Regulatory Authority, Panchkula, whereby the Adjudicating Officer directed the Appellant/Decree holder to submit verified details of moveable or immovable property / bank accounts of the judgement debtor within 15 days in execution application no. 3041 OF 2022.

2. Brief facts are that, pursuant to an order dated 21.07.2022, passed by the Authority in Complaint No.1404 of 2019, the respondent-promoter was directed to refund an amount of ₹1,23,25,927/- within 90 days of uploading of the order on web portal of the Authority. However, the amount remained unpaid. Thereafter, appellant/allottee filed

execution bearing no 3041 of 2022. to recover the amount. Despite agreeing, time and again, to pay the amount before Adjudicating officer, the promoter/respondent did not do so.

3. The appellant thereafter moved an application before the Authority seeking a direction to the respondent-promoter to disclose details of its bank accounts, to facilitate attachment and recovery. The Adjudicating Officer vide order dated 20.08.2024 declined the prayer on the ground that no such provision existed under the RERA Act for directing asset disclosure and vide impugned order dated 18.11.2024 directed the appellant/ allottee/ Decree holder to submit verified details of moveable or immovable property/ bank account of the J.D.to get the same attached for recovery of decretal amount.

4. Contention of the appellant is that such disclosure is necessary to enable effective recovery of the awarded amount, as the promoter has deliberately withheld information regarding his assets and financial resources, thereby frustrating the execution process. Appellant/Decree holder is in no position to get details of bank account of the JD. The Adjudicating officer is empowered to direct the JD/respondent to furnish details of its bank accounts and moveable and immovable assets.

5. I have carefully considered the record and the submissions advanced. Refusal by the Adjudicating Officer to call for disclosure of assets amounts to failure to exercise jurisdiction vested in him under law. Section 40(1) of the Real Estate (Regulation and Development) Act, 2016 provides that if a promoter fails to comply with an order of the Authority or the Adjudicating Officer, such order shall be enforced "as if it were a decree of the civil court". Further, Section 53 of the Act empowers the Authority and its officers to regulate their procedure in accordance with the principles of natural justice.

6. When an order under RERA attains finality, its enforcement is to be carried out following the procedure prescribed for execution of

civil decrees. Under Order XXI Rule 41(2) of the Code of Civil Procedure, 1908, the executing court may require the judgment debtor to file an affidavit of his assets and liabilities including details of bank accounts to facilitate effective execution.

7. The Delhi High Court in *Bhandari Engineers & Builders Pvt. Ltd. v. Maharia Raj Joint Venture*, 2020 SCC OnLine Del 2706, while interpreting Order XXI Rule 41(2) CPC, held that an executing authority is fully competent to direct the judgment debtor to file an affidavit disclosing his movable and immovable assets to facilitate recovery. The same principle applies with equal force to execution of orders passed under the RERA Act in view of Section 40 which equates such orders with civil court decrees.

8. The Tribunal, therefore, finds that the Adjudicating Officer ought to have invoked powers to compel the promoter to make full disclosure of its financial particulars. Instead of burdening the decree holder to trace the same, who may have no means to do so. Such disclosure is indispensable for achieving the object of the statute and ensuring enforcement of rights protected under Real Estate (Regulation and Development) Act 2016.

9. In view of foregoing discussion, the present appeal is allowed and the impugned order dated 18.11.2024 passed by Adjudicating Officer is set aside. It is ordered that the Adjudicating Officer may direct the respondent-promoter to file a duly sworn affidavit disclosing complete particulars of its bank accounts and details of all movable and immovable assets owned or held by it and shall thereafter proceed to effect recovery of the awarded amount as per law.

10. No order as to costs.

11. Copy of this order be communicated to both the parties/ their counsel and the Adjudicating Officer, Haryana Real Estate Regulatory Authority, Panchkula.

12. File be consigned to the record.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan
Member (Technical)

February 12, 2026

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