



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

Execution No. 2618 of 2022

In

Complaint No. 310 of 2021

Sunita Dhodi

....DECREE HOLDER

VERSUS

ORS Infrastructure Pvt. Ltd.

.....JUDGMENT DEBTOR

CORAM:	Parneet S Sachdev	Chairman
	Dr. Geeta Rathee Singh	Member
	Chander Shekhar	Member

Date of Hearing:- 14.05.2026

Hearing:- 15th

Present:- Adv. Rohit Goswami, counsel for the decree holder through VC

Adv. Shubhnit Hans, counsel for the judgment debtor through VC

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ORDER (PARNEET SINGH SACHDEV - CHAIRMAN)

1. As per last order dated 22.01.2026, decree holder was given one opportunity to file the documents as mentioned in para 2 of the order by **19.02.2026 in registry.**
2. Today, Adv. Rohit Goswami appeared for the decree holder and stated that, in compliance with the last order, an application vide No. RERA-PKL-379-2026 (CM) was filed in the Registry on 30.03.2026, placing on record the project registration details and bank account information of the judgment debtor. Learned counsel submitted that since the judgment debtor has failed to comply with the order under execution till date, a Recovery Certificate be issued for the recovery of the decretal amount (refund along with interest).
3. Adv. Shubhmit Hans appeared for the judgment debtor and submitted that he is newly engaged in the matter. He undertook to file his Vakalatnama during the course of the day and requested one opportunity to comply with the order under execution.
4. Given the circumstances, the Authority deems appropriate to reproduce the order under execution dated 31.05.2022, passed by this Authority, as under:

“9. In such circumstances, Authority finds it to be a fit case for allowing refund of the amount paid by complainant and directs respondent to refund amount paid by the complainant along with interest at the rate stipulated under Rule 15 of the HREERA Rules, 2017 from the date of making payments up to the date of passing of this order.

10. *After perusal of record, Authority observes that complainant has attached receipts of payment made by him of Rs. 32,91,966/-, as Annexure P/5. Therefore, respondent shall refund Rs. 32,91,966/- paid by complainant along with interest calculated from date of making payments as per receipts upto the date of passing this order.*

11. *As per calculations, amount payable by the respondent to the complainant along with interest has been worked out to Rs. 72,01,151/- (Rs. 32,91,966/- + Rs. 39,09,185/-). Therefore, Authority directs the respondent to refund Rs. 72,01,151/-."*

5. It is observed that Authority vide its order dated 31.05.2022 has awarded refund of the entire amount along with interest calculated in accordance with Rule 15 of the RERA Rules which is SBI MCLR+2%. Therefore, respondent was directed to pay a total amount of ₹72,01,151/- (₹ 32,91,966/- + ₹39,09,185/-) to the complainant.

6. Section 2 of the RERA Act, 2016 defines and gives meanings to the terms and expressions used in the Act which are significant in understanding of the import of the provisions. Definition is a statement that sets forth and delimits the meaning of the word used in the Act. It serves to instruct the persons who are ignorant or unaware of the usage, to determine the consistency of the usage and the reasoning in the terms is used and to help systemised a body of knowledge. Section 2(za) of RERA Act, 2016 specifically defines the term "interest" which is reproduced herein below:

Section 2(za) - "interest" means the rates of interest payable by the promoter or the allottee, as the case may be. Explanation.-For the purpose of this clause-

(i) the rate of interest chargeable from the allottee by the promoter, in case of default, shall be equal to the rate of interest which the promoter shall be liable to pay the allottee, in case of default;

(ii) the interest payable by the promoter to the allottee shall be from the date the promoter received the amount or any part thereof till the date the amount or part thereof and interest thereon is refunded, and the interest payable by the allottee to the promoter shall be from the date the allottee defaults in payment to the promoter till the date it is paid;”

7. Further Section 89 of the RERA Act, 2016 also provides that the provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Hence, definition of "interest" under Section 2 (za) is self- explanatory and explanation to the definition makes it clear that the promoter is liable to pay the interest from the date the amount is received by him from the allottee till the date it is paid. The definition be interpreted/construed in the same way wherever it has been provided in the final order dated 19.01.2023 even though it is not specifically mentioned that interest shall be paid till **actual realization**.
8. Accordingly, the decree holder in the present case is entitled for additional interest for making delay in payment of the decretal amount.
9. Authority decides that the calculation of interest at the rate of 9.50% per annum (rate at the time of passing of order dated 31.05.202) shall be undertaken by the Authority itself till the date of realization.

10. Admittedly, the amount of refund of ₹ 72,01,151/- 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. 01.06.2022, in view of provisions of Section 2(za) and Section 18 of the RERA Act, 2016 read with Rules 15 & 16 of the Rules, 2017.
11. 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	31.05.2022
ii.)	Total Amount awarded up to 31.05.2022	₹ 72,01,151/-
iii.)	Principal Amount paid by decree holder	₹ 32,91,966/-
iv.)	Interest amount calculated till 31.05.2022	₹ 39,09,185/-
v.)	Rate of Interest	9.50% as per Rule 15 of HRERA Rules, 2017

Since the entire principal amount still stands due, the judgment debtor shall 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 ₹)
01.06.2022	14.05.2026	03years,349 days	32,91,966/-	9.50%	₹12,37,238/-
	Total				₹12,37,238/-

12. In view of the above, decree holder is held entitled to get an amount of ₹84,38,389/- (₹32,91,966/- Principal Amount + ₹39,09,185/- interest + ₹12,37,238/-/- (additional delay interest till date). The decree holder shall further be entitled to interest on the aforesaid amount at the rate of 9.50% per annum for any further delay, until the date of actual realization.
13. Admittedly, the judgment debtors have not complied with the order under execution till date. Hence, Authority observes that since this execution petition pertains to payment of interest accrued on account of delay in handing over of possession, 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."

14. 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 ₹84,38,389/-. The Deputy Commissioner cum Collector, Faridabad 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-promoters 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, Faridabad, for immediate compliance.



15. Lastly, with regard to the application referred to in paragraph 2 of this order, the Authority observes that the said application appears *prima facie* to have been filed in compliance with the previous order dated January 22, 2026, passed in the on-going execution proceedings. Given that the main execution matter is already pending, the decree holder ought to have moved the application within the present execution proceedings itself, rather than filing a separate, independent Miscellaneous Application (CM). However, since the contents and details of the said application have already been taken on record within these execution proceedings, the separate Miscellaneous Application filed by the decree holder vide No. **RERA-PKL-379-2026 (CM)** has rendered infructuous and is hereby disposed of accordingly.
16. Case is adjourned to **08.10.2026** for compliance of order under execution.


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CHANDER SHEKHAR
[MEMBER]


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DR. GEETA RATHEE SINGH
[MEMBER]


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PARNEET S SACHDEV
[CHAIRMAN]