



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

Execution No. 402 of 2026

In

Complaint No. 72 of 2022

Avineesh Matta

....DECREE HOLDER

VERSUS

Parsvnath Developers Ltd.

.....JUDGMENT DEBTOR

Date of Hearing:- 27.07.2026

Hearing:- 1st

Present:- Avinessh Matta, Decree holder through VC.
None for the IRP.

ORDER

1. In the present execution petition, the decree holder has submitted his written submissions on 20.07.2026 and he has today argued that-

- The order dated **15.02.2023** passed by this Hon'ble Authority has attained finality as the appeal preferred by the respondent was dismissed by the Haryana Real Estate Appellate Tribunal. Therefore, the rights flowing from the said order deserve recognition.
- The respondent has subsequently been admitted into the Corporate Insolvency Resolution Process (CIRP), and consequently the moratorium under Section 14 of the Insolvency and Bankruptcy Code is presently in force. The Decree Holder accepts that coercive execution proceedings cannot continue during the currency of the moratorium.
- That since the execution cannot presently proceed, the Authority may simply keep the execution petition pending instead of consigning it to the record room so that the Decree Holder may revive the proceedings after the moratorium ceases to operate.
- The Decree Holder has already filed his claim before the Interim Resolution Professional as a financial creditor. Therefore, his claim is already under consideration in the insolvency proceedings, though the present execution petition may also remain pending.
- Reliance is placed upon the order of the Hon'ble Supreme Court in **Rita Tikku v. State of Haryana**, wherein reference has been made to HRERA orders that had attained finality. It is submitted that



since the order in the present case has also attained finality, similar consideration may be extended to the Decree Holder.

- It is further submitted that the Hon'ble Supreme Court has passed certain directions freezing the bank accounts and restraining dealings in the assets of the respondent and its directors. Accordingly, the Authority may take note of those developments while considering the present execution petition.
- Although no coercive steps can presently be taken because of the moratorium, the Authority may consider issuing directions to the Resolution Professional to disclose the Decree Holder's claim in the Information Memorandum.
- It is also submitted that Sections 34 and 37 of the Real Estate (Regulation and Development) Act, 2016 empower the Authority to issue directions for compliance with its orders. Therefore, without enforcing the decree, the Authority may issue appropriate directions to the Resolution Professional regarding disclosure of the Decree Holder's claim.
- In these circumstances, it is prayed that the execution petition be kept in abeyance during the subsistence of the moratorium, while recording that the HRERA order has attained finality, and that suitable directions may be issued to the Resolution Professional regarding disclosure of the Decree Holder's claim.



2. This Authority has duly considered the submissions advanced by the Decree Holder. It is not in dispute that the respondent has been admitted into the Corporate Insolvency Resolution Process and that a moratorium under Section 14 of the Insolvency and Bankruptcy Code, 2016 is presently in force. The Decree Holder himself acknowledges that during the subsistence of the moratorium, no execution or coercive proceedings can be undertaken against the Corporate Debtor. Mere finality of the order dated 15.02.2023 does not dilute or override the statutory embargo imposed under Section 14 of the IBC, nor can such finality furnish a basis for keeping execution proceedings pending in the absence of any enabling provision in law.
3. Further prayer seeking directions to the Resolution Professional for disclosure of the decree holder's claim in the Information Memorandum, also cannot be accepted. The conduct of the Corporate Insolvency Resolution Process, including the preparation of the Information Memorandum and discharge of duties by the Resolution Professional, is governed exclusively by the provisions of the Insolvency and Bankruptcy Code, 2016 and the CIRP Regulations under the supervision of the Adjudicating Authority (NCLT). No provision of the Real Estate (Regulation and Development) Act, 2016 has been shown which empowers this Authority to issue such directions during the currency of



the moratorium. Consequently, no further orders can be passed in the present execution petition.

4. Authority observes that a moratorium has been imposed upon the respondent company vide order dated 30.04.2026 in CP (IB) No. 468/PB/2024 titled Sammaan Capital Ltd. Vs. Parsvnath Developers Limited. The Corporate Debtor, namely Parsvnath Developers Limited, has been admitted into the Corporate Insolvency Resolution Process (CIRP) and a moratorium under Section 14 of the Insolvency and Bankruptcy Code, 2016 has been imposed. The relevant para of the said order is reproduced below for reference:-

"39. Accordingly, moratorium as provided under Section 14 of IBC, 2016 is declared qua the CD and as a necessary consequence thereof the following prohibitions are imposed, which must be followed by all and sundry:

- a) The institution of suits or continuation of pending suits or proceedings against the Respondent including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority;*
- b) Transferring, encumbering, alienating or disposing of by the Respondent any of its assets or any legal right or beneficial interest therein;*
- c) Any action to foreclose, recover or enforce any security interest created by the Respondent in respect of its property including any action under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;*
- d) The recovery of any property by an owner or lessor, where such property is occupied by or in the possession of the Respondent".*



5. It is pertinent to note that the said order prohibits the institution or continuation of any suits or proceedings against the Corporate Debtor, including execution of any judgment, decree, or order before any court of law, tribunal, arbitration panel, or other authority. Thus, the bar under Section 14 squarely applies to the proceedings pending before this Authority.
6. At this juncture, it would be relevant to place reliance on the case of ***Sundaresh Bhatt, Liquidator of ABG Shipyard v. Central Board of Indirect Taxes and Customs***, Civil Appeal No. 7667 of 2021, wherein Hon'ble apex court has elaborately explained the object and scope of moratorium. In paragraph 36, the Hon'ble Court observed as under:

“36. One of the purposes of the moratorium is to keep the assets of the Corporate Debtor together during the insolvency resolution process and to facilitate orderly completion of the processes envisaged under the statute. Such measures ensure the curtailing of parallel proceedings and reduce the possibility of conflicting outcomes in the process.”

Further, in paragraph 35, it was held:

“35. When the insolvency process commences, the adjudicating authority is mandated to declare a moratorium on the continuation or initiation of any coercive legal action against the Corporate Debtor.”

7. The Hon'ble Supreme Court has also expressly recognised the central statutory role of the Interim Resolution Professional during CIRP. In



paragraph 34(iii) of the said judgment, following observation has been made-

“(iii) The NCLT first appoints an interim insolvency professional. The interim insolvency professional is to hold office until a resolution professional is appointed. He further takes control of the Corporate Debtor’s operations and collects its financial information from information utilities. The NCLT must also ensure public announcement of the initiation of the corporate insolvency process and call for submission of claims.”

8. Therefore, it is evident that continuation of parallel proceedings before any other forum during the subsistence of the moratorium would defeat the very object of the Insolvency and Bankruptcy Code, 2016. Accordingly, this Authority is bound to give full effect to the statutory mandate of Section 14 of the Code and refrain from proceeding further in the present matter during the pendency of the CIRP, in adherence to principle of judicial propriety.
9. Further, it would be necessary to place reliance on section 14 (1)(a) of IBC which specifically prohibits the institution of suits or continuation of pending suits or proceedings against the corporate debtor/respondent including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority. Relevant paragraph of section 14 of IBC is being reproduced below-

“Section 14: Moratorium-

14. (1) Subject to provisions of sub-sections (2) and (3), on the insolvency commencement date, the Adjudicating Authority shall



by order declare moratorium for prohibiting all of the following, namely:—

(a) the institution of suits or continuation of pending suits or proceedings against the corporate debtor including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority;

(b) transferring, encumbering, alienating or disposing of by the corporate debtor any of its assets or any legal right or beneficial interest therein;

(c) any action to foreclose, recover or enforce any security interest created by the corporate debtor in respect of its property including any action under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;

(d) the recovery of any property by an owner or lessor where such property is occupied by or in the possession of the corporate debtor.”

10. On a bare reading of the provision, it is clear that the language of the provision is peremptory and admits of no discretion. Once the moratorium is declared, all proceedings against the Corporate Debtor must remain stayed. The Hon'ble Supreme Court in *Alchemist Asset Reconstruction Company Ltd. v. Hotel Gaudavan Pvt. Ltd., 2017 SCC OnLine SC 1362*, authoritatively held that once a moratorium under Section 14 is declared, even arbitration proceedings cannot continue and any continuation would be without jurisdiction. The principle applies with equal force to proceedings before statutory authorities.

11. Further, in *Innoventive Industries Ltd. v. ICICI Bank, (2018) 1 SCC 407*, the Hon'ble Supreme Court emphasised that upon admission of insolvency proceedings, the management of the Corporate Debtor vests in



the Interim Resolution Professional and the statutory scheme under the IBC overrides inconsistent provisions by virtue of Section 238 of the Code. The overriding effect of the IBC has been reiterated in *Principal Commissioner of Income Tax v. Monnet Ispat & Energy Ltd., (2018) 18 SCC 786*, wherein it was held that Section 238 of the IBC will prevail over any other enactment in case of inconsistency.

12. The Authority observes that once a moratorium under Section 14 of the Insolvency and Bankruptcy Code, 2016 has come into operation against the corporate debtor, continuation of coercive proceedings, including execution proceedings, is impermissible during the subsistence of the Corporate Insolvency Resolution Process (CIRP). The Hon'ble Supreme Court in **Pioneer Urban Land and Infrastructure Ltd. v. Union of India (Writ Petition (Civil) No. 43 of 2019)** has held that the Insolvency and Bankruptcy Code, 2016 and the Real Estate (Regulation and Development) Act, 2016 are intended to co-exist and provide concurrent remedies to homebuyers. However, in the event of any inconsistency or conflict between the two enactments, the provisions of the IBC shall prevail by virtue of the overriding effect of Section 238 thereof. Further, in **P. Mohanraj & Ors. v. Shah Brothers Ispat Pvt. Ltd., (2021) 6 SCC 258**, the Hon'ble Supreme Court authoritatively held that the moratorium under Section 14 prohibits the continuation or institution of proceedings having a coercive or recovery character against the corporate debtor. The



aforesaid principle has also been reiterated in **Anjali Rathi & Others v. Today Homes and Infrastructure Pvt. Ltd., 2021 SCC Online SC 729**, wherein it was recognized that proceedings under RERA cannot be permitted to defeat or circumvent the statutory moratorium under the IBC. In view of the settled legal position, this Authority is of the considered opinion that continuation of the present execution proceedings against the judgment debtor company during the subsistence of the moratorium would be contrary to the mandate of Section 14 of the Insolvency and Bankruptcy Code, 2016. Accordingly, no further coercive steps can be undertaken against the corporate debtor so long as the moratorium remains in force.

13. The insolvency framework under the IBC is a collective proceeding in rem. It seeks resolution of the Corporate Debtor/respondent as a going concern or its liquidation in an orderly manner, balancing the interests of all stakeholders. *Allowing parallel adjudication before this Authority would not only contravene the statutory moratorium but would also defeat the objective of a time-bound and consolidated insolvency process.*
14. The Authority, in its Full Bench decision rendered in Execution Petition No. 681 of 2024, titled **Vishisht Capital Services Pvt. Ltd. v. Parsynath Developers Ltd.**, has also taken a similar view and, on the basis thereof, disposed of the said execution petition.



15. This Authority, though vested with adjudicatory powers under the RERA Act, cannot act in derogation of a subsisting moratorium declared by the NCLT. The statutory command under Section 14 of the IBC leaves no scope for continuation of proceedings. In view of the admission of insolvency proceedings against the respondent Corporate Debtor and the moratorium presently in force, this Authority lacks jurisdiction to proceed further in the matter.
16. Accordingly, the present execution is **disposed of** as it cannot be proceeded with further. Files be consigned to the record room after uploading of this order on the website of the Authority.



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NADIM AKHTAR
[MEMBER]