HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

EXECUTION NO. 2055 of 2023

IN

COMPLAINT NO. 841 of 2020

Sunil Kumar ...DECREE HOLDER

VERSUS

Jindal Realty Pvt. Limited ...JUDGEMENT DEBTOR

Date of Hearing: 29.09.2026

Hearing: 12th

Present: - Sunil Kumar, Decree Holder through VC
Adv. Drupad Sangwan, Learned counsel for the Judgment Debtor.

ORDER (DR. GEETA RATHEE SINGH- MEMBER)

1. Vide order dated 21.07.2026, Authority had issued directions for appearance of working Directors of the judgement debtor company. Decree holder was to assist this Authority in providing correct verified particulars of the working Directors of the judgment debtor company.
2. Upon perusal of the record, it is observed that the decree holder had filed details of the working directors in the registry on 04.08.2026. However, the said details were not sourced from any authenticated or official record.

Consequently, the requisite show-cause notices could not be issued to the working directors.

3. Today, initiating his submissions, Adv. Drupad Sangwan, learned counsel for the judgement debtor submitted that he has filed two applications in the registry on 18.09.2026, first, application on behalf of judgement debtor for exemption from personal/physical appearance of the working directors of the judgement debtor company and second, reply on behalf of the judgement debtor to the application dated 16.02.2026 filed by the decree holder.

4. Learned counsel apprised the Authority that working directors of the judgement debtor company are present before the Authority through video conferencing mode. Highlighting the applications dated 18.09.2026, learned counsel for the judgement debtor submitted that the judgement debtor has duly satisfied the decree and has complied with the order dated 07.09.2021 passed by the Authority in Complaint no. 841 of 2020. A valid and lawful offer of possession of the unit in question was issued to the decree holder on 27.08.2026 after receipt of occupation certificate dated 30.07.2026, a copy of which was placed on record for perusal during the proceedings. He further submitted that the complainant failed to take possession of the unit even after affording various opportunities. A copy of the offer of possession is annexed as Annexure A-1 along with application on behalf of judgement debtor for exemption from personal/physical appearance of the working directors of the judgement debtor company. Further, the amount of delayed possession

interest payable to the decree holder in terms of order dated 07.09.2021 stands fully satisfied and discharged by the judgement debtor. Calculation of the decretal amount payable to the decree holder along with proof of payment has been filed along with application dated 18.09.2026. In view thereof, the decree under execution stands wholly satisfied and no cause of action survives in the present execution proceedings.

5. Learned counsel for the decree holder assailed the offer of possession issued by the judgement debtor stating that after receipt of the said offer of possession, the complainant visited the site and noted certain deficiencies in the unit in question, also there is an unjustified and unilateral increase in area of the unit. He further raised objection to the demands raised by the judgement debtor vide the statement of accounts issued along with said offer of possession and the amount delayed possession interest paid by the judgement debtor.

At this stage, learned counsel for the judgement debtor argued that as per order execution the judgement debtor was directed to deliver physical possession of the unit complete in all respects to the decree holder after receipt of occupation certificate alongwith statement of account. It was further directed that in case the decree holder has any grievance in regard to offer of possession and the fresh statement of accounts the decree holder will be at liberty to challenge the same before this Authority by filing a fresh complaint.

As observed, the judgement debtor has already issued an offer of possession to the decree holder on 27.08.2026 alongwith detailed statement of account. Consequently, the order under execution stands complied with and the decree is satisfied. The grievances of the decree holder, if any, cannot be dealt with in present execution.

6. Upon consideration of the submissions advanced by both sides and perusal of the record, it is observed that the order under execution dated 07.09.2021 required the judgment debtor to hand over physical possession of the unit, complete in all respects, to the decree holder upon receipt of the occupation certificate, along with the statement of account. The said order further contemplated that, in the event of any grievance on the part of the decree holder with regard to the offer of possession or the statement of account, the decree holder would be at liberty to agitate such grievance before the Authority by way of a fresh complaint. Relevant part of order dated 07.09.2021 is reproduced below for reference:

> *"7. Complainant is entitled to delay interest for the delay caused by the respondent from the deemed date of possession to valid offer of possession at the rate prescribed in Rule 15 of HRERA Rules, 2017 i.e. 9.30%. In order to maintain parity between the parties, it is clarified that in case, payment of instalment have been delayed by the complainant then for said delay, respondent can recover interest at the same rate of interest as provided in Rule 15 of HRERA Rules,2017.*
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> *8. Accordingly, the respondent is directed to deliver physical possession of the unit complete in all respects within 30 days to the complainant after receipt of occupation certificate alongwith*

statement of account in terms of the principles incorporated in above paragraphs. The complainant in case has any grievance in regard to offer of possession and the fresh statement of accounts to be issued he will be at liberty to challenge the same before this Authority by filing a fresh complaint within a month from the date the offer with revised statement is served upon him. "

7. In the present proceedings, it is an admitted position on record that the occupation certificate in respect of the unit was obtained on 30.07.2026 and thereafter the judgment debtor issued an offer of possession to the decree holder on 27.08.2026 qua the unit in question complete in all respects, along with the statement of account. The unit is fit for habitation and taking over possession. Thus, the judgment debtor has taken the steps contemplated under the order under execution for compliance thereof. There is no impediment to the decree holder in taking possession of the unit in question. With regard to the objections raised by the decree holder to the alleged deficiencies in the unit, it is observed that the decree holder has ready remedy available as per law before the Adjudicating Officer for seeking the relief of compensation u/s 18(3) of RE(RD) Act 2016 and to the alleged demands reflected in the statement of account on account of unjustified increase in area, club membership charges, water and sewer charges etc and the computation/payment of delayed possession interest, it is observed that said objections relate to matters arising subsequent to, or in connection with, the offer of possession and require independent adjudication on their respective merits.

8. It is, therefore, not appropriate to adjudicate upon such disputed and substantive grievances within the limited scope of the present execution proceedings, particularly when the order under execution itself preserves the liberty of the decree holder to raise any grievance concerning the offer of possession or the statement of account by filing a fresh complaint before the Authority.

9. In view of the aforesaid, and having regard to the compliance effected by the judgment debtor by obtaining the occupation certificate and issuing the offer of possession along with the statement of account, the order under execution stands complied with and the decree is deemed to have been satisfied for the purposes of the present execution proceedings. Accordingly, no further relief can be granted in the present execution petition.

10. Vide order dated 21.07.2026, Authority had directed the appearance of the working Directors of the judgment debtor company and for submission of replies to show cause notices. Requisite show cause notices could not be issued to the working directors as the particulars filed by the decree holder could not be verified. Now, in view of the satisfaction of the order under execution, the direction to issue show-cause notices to the working Directors of the judgment debtor company, pursuant to the order dated 21.07.2026, is hereby recalled and the directions requiring their appearance and submission of replies thereto stand accordingly discharged.

Rathee

11. Captioned petition is **deemed to have been satisfied**.

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

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DR. GEETA RATHEE SINGH
[MEMBER]

Haryana Real Estate Regulatory Authority
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Panchkula