

M/s Selene Construction Ltd.

Vs.

HARERA, Gurugram

Appeal No. 391 of 2020

Present: Shri Ajiteshwar Singh, Advocate, Ld. counsel for the appellant.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

The only grievance raised by the appellant in the present appeal is that ld. authority has passed the order for attachment of the accounts of the appellant/promoter without offering them any opportunity of being heard. He contended that the order in favour of the respondent/allottee was passed on 15.03.2019 and the first date of hearing in the execution petition was 21.04.2020. He contended that as per the amended Order 21 Rule 22 the notice was required to be issued as more than one year has passed since the date of the order which was going to be executed.

It appears that the appellant has grievances with respect to the attachment of its bank account. From the perusal of the warrant of attachment issued by ld. authority, it appears that the order dated 15.03.2019 is being executed like a decree of civil court. The appellant has a remedy under Order 21 Rule 58 of the Code of Civil Procedure to move the objections against the attachment.

So, the present appeal is hereby disposed of by granting liberty to the appellant to move the objections before the ld. Authority against the attachment under Order 21 Rule 58 of the code of civil procedure. If such objections are moved by the appellant within ten days from the date of this order, the

ld. authority before taking any further steps in the execution will adjudicate upon objections filed by the appellant.

We are disposing of this appeal without issuing any notice to the respondent as the issuance of the notice would have unnecessarily delayed the disposal of the appeal and would have unnecessarily burdened the respondent.

File be consigned to the records.

Copy of this order be communicated to the parties.

Justice Darshan Singh (Retd.)  
Chairman,  
Haryana Real Estate Appellate Tribunal,  
Chandigarh

Inderjeet Mehta  
Member (Judicial)

Anil Kumar Gupta  
Member (Technical)  
(joined through video conferencing)

09.12.2020  
*rajni*