

M/s Experion Developers Pvt. Ltd.
Vs
Nand Jee Singh
CM Nos. 637 and 638 of 2025 in
In Appeal No. 236 of 2025

Present: Mr.Chetan Mittal, Senior Advocate assisted by
Mr. Kunal Mulwani, Advocate
for the appellant.

Mr. Sagar Bhatia and Mr. D. S. Chauhan,
Advocates for the respondents.

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On the last date of hearing, following order was passed
in this case:

“In the present appeal, challenge has been posed to order dated 24.03.2025 passed by the Adjudicating Officer, whereby, he has issued arrest warrants against the Directors of the judgment debtor M/s Experion Developers Pvt.Ltd..Operative part of the order reads as under:-

“What so if DH was a provisional allottee, this fact was considered by the Authority. Even if an appeal has been filed, admittedly there is no stay against the execution proceedings. Reply is thus not satisfactory. As requested by learned counsel for DH, issue arrest warrants against both of aforesaid directors of JD, to be executable by bailiff of authority, till next date. Said directors of JD be taken into custody and be produced before this forum on or before the next date.

As per learned counsel for DH, apart from two aforesaid directors of JD, there are other directors of JD, namely Sanjay Bakliwal, Basavaraddi Krishnaraddi Malagi, Arvind Tiku and Sunnet Puri. Issue show cause notices to the aforesaid directors of JD also as why same be not committed to civil prison for not complying with said order. Reply, if any be called till next date.

To come on 29.07.2025 for further proceedings.”

Mr. Mittal, Sr. Advocate submits that he is ready to furnish an undertaking that no third party rights shall be created during the pendency of this appeal. As the next date in the case before Adjudicating Officer is on 29.07.2025, if warrants of arrest are executed in the meanwhile, irreparable damage shall be caused to the Directors and the appellant-company.

Mr. Bhatia, on the other hand, submits that decree in his favour is sustainable. Bailiff has been directed to execute the arrest warrants to take the proceedings to their logical end. Additionally, he submits that he is ready to deposit an amount of Rs.4 crore conditionally subject to outcome of this appeal, if Builder Buyers' Agreement (BBA) is executed in favour of the allottee forthwith.

Having considered rival contentions, we are of the considered view that no case is made out at this stage for staying the operation of the impugned order. However, in the interests of justice, it would be appropriate to direct that coercive steps pursuant to the arrest warrants be kept in abeyance till the next date of hearing subject to the conditions that atleast one of the Directors of the appellant-company remains present before this Bench on the next date of hearing.

This is with a view to explore the possibility of amicable settlement, if any, in view of enabling provision contained in Section 32(g) of the Act.

At this stage, Mr. Mittal submits that Mr. Sunnet Suri, who is a working Director, shall remain present before this Bench on the next date of hearing.

Meanwhile, the appellant shall abide by its undertaking not to create third party rights in respect of the unit in question.

List on 06.05.2025."

Despite the direction that one of the Directors of the appellant-promoter shall remain present, an official from the Legal Division has been deputed to attend the hearing.

An application has been moved for exemption of appearance of the Director on the plea that he is not well today.

The application is taken on record. The personal appearance of the Director is exempted for today.

However, Mr. Mulwani assures that he shall remain present on the next date of hearing to explore the possibility of resolving the issue in terms of the order passed on the last date of hearing.

Mr. Bhatia assures that allottee shall also remain present on the said date.

Meanwhile, if any coercive steps are contemplated, same shall be kept in abeyance till the next date of hearing. The appellant shall also abide by its undertaking not to create third party rights in respect of the unit in question.

List on 19.05.2025.

Photocopy of this order be placed in file of Appeal No. 52 of 2024.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)

06.05.2025
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