



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY		21
Day and Date	Thursday and 03.02.2022	
Complaint No.	E/1710/2021/2509/2019 Case titled as Aero Star Helmets Pvt Limited VS Ireo Grace Realtech Private Limited	
Complainant	Aero Star Helmets Pvt Limited	
Represented through	Mohd. Faris Advocate	
Respondent	Ireo Grace Realtech Private Limited	
Respondent Represented	Shri M.K,Dang Advocate	
Last date of hearing	25.11.2021	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings through V.C.

1. The decree holder has filed execution petition where a sum of Rs.20,56,571/- has been shown as decretal amount. The CA of the Authority was also asked to check the calculation by calling both the parties and as per his calculation, the decretal amount has been shown to be Rs. 5,69,608/- and the said amount is due against the JD to be paid to the DH. Both the parties are directed to appear before the CA alongwith their calculations as per orders of the Authority and CA may finalize the decretal amount with copy to both the parties.

Both the parties are directed to appear before the CA of the Authority on 18.02.2022 and the CA will submit his report within a week.



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2. The decree holder is desirous to execute the decree in response to the order in complaint no. 2508 of 2019 decided on 25.02.2020. An application under Order XXI Rule 10 read with Rule 11(2) of the Code of Civil Procedure has been made by the DH to this authority for execution of the said decree in the proforma no. 6 of appendix E "Application for execution of the decree".
3. The execution application along with a sworn affidavit have been filed by the decree holders under Order XXI Rule 11 of the Code of Civil Procedure, 1908 (hereinafter in short as 'Code'). It averred in the affidavit that to the knowledge of the complainant-decree holders, the respondent-judgment debtor has not filed any appeal against the order under execution nor does any stay operate in respect of the said order. The period of ninety days from the date of decision was granted to comply the directions and as no appeal has been filed, orders of the Authority have attained finality. Office report has been obtained and as per this report, no stay order has been received from the Appellate Authority or from any court. We have also gone through the execution file and the affidavit of the complainant-decree holders filed therewith, and the averments made thereunder were taken on record.
4. The execution application has been filed within a period of 2 years from the date of attaining finality of the order, hence, there is no need of sending notice of the execution application to the respondent-judgment debtor (as per Order XXI Rule 22 of the Code) for



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compliance of orders of the authority in the case before hand. It is informed that compliance of orders of authority has not been done so far.

5. The following is the operative part of decision and decree for which execution application has been made.

- I. *The respondent is directed to pay delayed possession charges at the prevalent prescribed rate of interest of 10.15% p.a. with effect from 27.11.2018 (due date of delivery of possession) till offer of possession i.e. 13.06.2019 in terms of section 18(1) proviso of the Act read with rule 15 of Haryana Real Estate (R&D) Rules, 2017 within a period of 90 days from the date of this order.*
- II. *The complainant is directed to take possession of the apartment within a period of one month from the date of order after paying outstanding dues, if any with the prescribed rate of interest of 10.15%p.a. as awarded to them in the form of delay possession charges.*
- III. *The respondents shall not charge anything from the complainant which is not the part of the agreement.*

6. Section 40 of the Real Estate (Regulation and Development) Act, 2016 read with Rule 27 of the Haryana Real Estate (Regulation and Development) Rules, 2017 provides for enforcement of order, direction or decision of adjudicating officer, authority or appellate tribunal. Rule 27 is reproduced below:

"27. Enforcement of order, direction or decision of adjudicating officer, Authority or Appellate Tribunal. Section 40. —

Every order passed by the adjudicating officer or the Authority or the Appellate Tribunal, as the case may be, under the Act or rules and the regulation made thereunder, shall be enforced by an adjudicating officer or the Authority or Appellate Tribunal in the same manner as if it were a decree or an order made by a civil court in a suit pending therein; and it shall be lawful for the adjudicating officer or the Authority or the Appellate Tribunal,



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as the case may be, in the event of its inability to execute the order, send such order to the civil court, to execute such order.

7. Accordingly, the authority has taken up execution of the order/decreed of the authority in the instant case as per the provisions contained in Part-II titled 'Execution' read with Order XXI of the Code exercising powers of the civil court to enforce execution provided in section 51 of the Code.
8. The Authority has decided to execute decree as per the mode provided in Order XXI Rule 30 of the Code which provides as under:
- "30. Decree for payment of money**
Every decree for the payment of money, including a decree for the payment of money as the alternative to some other relief, may be executed by the detention in the civil prison of the judgment debtor, or by the attachment and sale of his property, or by both. "
9. The decree holder has mentioned the following modes in which the assistance of the authority is required in order to execute the said decree as under:
- a. Attachment and sale of movable property is sought -
The decree holders have prayed that the decretal amount be realized by attachment and sale of moveable property/ attachment of bank account as detailed below.

Matter to come up on 25.02.2022 for further proceedings.

Vijay Kumar Goyal
Member

Dr. KK Khandelwal
Chairman
03.02.2022