



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

Day and Date	Monday and 11.12.2023
Complaint No.	E/24/2022/ 3927/2020 Case titled Girish Gopal Ayer Vs Raheja Developers Limited
Complainant	Girish Gopal Ayer
Represented through	Mr Rishabh Jain Adv
Respondent	Raheja Developers Limited
Respondent Represented through	Mr Garvit Gupta Adv
Last date of hearing	
Proceeding Recorded by	Jyoti Malik

Proceedings

Heard. On an application filed by JD with a prayer to recall order dated 03.01.2023, and 21.02.2023, issuing show cause notice to its directors.

This is a petition seeking execution of order passed by the authority dated 24.08.2021. Apart from giving some other directions, the respondent through said order was directed to execute conveyance deed within one month (of order).

On 03.01.2023, DH filed an application with a prayer for arrest and detention of JD alleging that no such conveyance deed was executed, despite lapse of so much time. Show cause notice was ordered to be issued to directors of JD as why same be not committed to civil prison. On 03.1.2023, reply of the directors was called for next date i.e. 21.02.2023.

No such notice was served upon directors of JD. Same were ordered to be issue again for next date i.e. 05.04.2023.

Aggrieved by said orders JD preferred application under consideration.

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016

Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अर्तगत गठित प्राधिकरण

भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16

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A.D.



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It is submitted by learned counsel for applicant/JD that when decree is for execution of some document or for the endorsement of negotiable instrument and the judgment debtor is found neglecting or refusing to obey the decree. DH can be asked to prepare a draft of document in accordance with the terms of the decree and to deliver the same to the court.

Learned counsel relied upon a case in this regard tilted as ***Rajbir Vs. Suraj Bhan and another 2022 Live Law SCC online SC 255.***

I agree with learned counsel for applicant in this regard. As mentioned above, through order under execution the JD was asked to execute conveyance ^{with them} certain period and same is stated to have been not been executed by the JD despite request by DH. DH is asked to file draft of conveyance deed in accordance with the terms of order under execution till next date with advance copy to the promoter-JD.

To come on 19.02.2024 for further proceedings.


(Rajender Kumar)
Adjudicating Officer
11.12.2023