

29 Vandana Aggarwal Vs Regional Construction Pvt. Ltd. Ex/3855/2024

Present: Mr Harsh Jain Adv for DH

Mr Himanshu Singh Adv for JD

Vakalatnama filed on behalf of JD, but no objections are filed. Learned counsel for JD, requests for adjournment to file objections, which is opposed by learned counsel for DH.

As per record, notice of execution petition was served upon JD on 05.09.2024. Same had enough time to file objections. No reason for adjournment. Request in this regard is declined.

Contending that no amount has been recovered till now, learned counsel for DH requests for direction to JD to disclose its assets/properties including bank account and unsold inventories which can be attached to realize the decretal amount. Request is allowed. JD is directed to disclose its assets/properties including bank account and unsold inventories which can be attached to realize the decretal amount. Information be given in the form of affidavit to be sworn by anyone from directors of JD, preferably by Managing Director. At the same time, recovery officer (Recovery Cell) of Authority be asked to enquire about the properties of JD and to file his report till next date.


Apart from directing respondent to refund the amount, same was directed to hand over possession of subject unit within 30 days of order. As per learned counsel for DH, JD did not hand over possession till now.

On the other hand, as per learned counsel for JD, his client has already offered possession by sending a letter dated 30.08.2024.

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During deliberation, it is agreed by learned counsel for JD that for handing over of the possession, his client i.e. JD imposed some condition like payment of outstanding dues, which included maintenance charges and holding charges. When possession has not been handed over till now, it was not legal for the JD to impose maintenance charges/holding charges. In this way, letter of offer of the possession, even if sent to the allottee-DH was not valid offer of the possession.

To come on 28.03.2025 for further proceedings.


(Rajender Kúmar)
Adjudicating Officer,
30.10.2024