

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 29.04.2024                                                                  |
| Complaint No.                  | E/4535/2022/633/2021 Case titled Prateek Srivastava and Namita Mehta VS Vatika Limited |
| Complainant                    | Prateek Srivastava and Namita Mehta                                                    |
| Represented through            | Mr Abhijeet Gupta Adv alongwith person                                                 |
| Respondent                     | Vatika Limited                                                                         |
| Respondent Represented through | Mr Dhruv Dutt Sharma Adv                                                               |
| Last date of hearing           |                                                                                        |
| Proceeding Recorded by         | Jyoti Malik                                                                            |

**Proceedings**

This is a petition seeking execution of order passed by the authority dated 10.11.2021. It is pointed out that JD preferred an appeal against this order, which was dismissed by the Appellate Tribunal.

Learned counsel for DH filed fresh calculation. According to him, a sum of Rs. 6,77,752.40/- will be due as on 01.05.2024 i.e. tomorrow.

Learned counsel for JD disputed this calculation. According to him, accounts of his client i.e. JD was ordered to be attached vide order dated 27.09.2023. The bank manager remitted the amount in the account of the authority, which was released in favour of allottee-DH. When decree was satisfied after receipt of that amount, nothing remained payable by his client.



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**HARYANA REAL ESTATE REGULATORY AUTHORITY**  
**GURUGRAM**

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

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Moreover, learned counsel is surprised as how this file is put up today, when same was ordered to be sent back to the record room vide order dated. 27.09.2023.

As per record, file was put up on an application filed by JD and not on application/request of DH. Even otherwise, when DH claims that entire decretal amount has not been recovered, there was no illegality in putting up the case file.

According to learned counsel for DH, despite withdrawing amount, having been remitted by the Tribunal, decree/order under execution was not satisfied. As per said order, the respondent was obliged to pay amount of assured return till possession of subject unit is handed over.

Admittedly, possession of said unit has not been handed over till now. In such a circumstance, promoter-JD is liable to pay the amount, till possession is handed over. No weight in the objection as raised by learned counsel for JD. Same is thus dismissed.

Learned counsel for JD contended further that when decree was satisfied, the allottee-DH was required to file fresh execution petition.

As decree has not been satisfied, there was no reason to file fresh execution petition. This objection of JD is also dismissed.

Learned counsel for DH requests to attach bank account of JD with HDFC Bank, i.e. account no. 02802320000042, First India Place, MG Road, Gurugram. Learned counsel for JD again opposed the attachment of bank account, stating that at the most, this forum can issue recovery certificate to collector concerned. When matter is already in process of realizing decretal

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amount, no need to issue recovery certificate. Request of DH is thus allowed.

Let manager of said bank be directed not to allow withdrawal of any amount from aforesaid account of JD leaving balance less than 6,77,752.40/- . Same be also directed to remit said amount in the account of the authority so that same can be disbursed to the allottee-DH.

Let a copy of this order be sent to the manager of aforesaid bank for compliance. Another copy be provided to DH, to be served upon the bank manager.

To come on 08.08.2024 for further proceedings.

(Rajender Kumar)  
Adjudicating Officer  
29.04.2024