PROCEEDINGS OF THE DAY

Day and Date	Tuesday and 07.02.2023
Complaint No.	E/4769/2022/870/2021 Case titled Phool Kumari VS Raheja Developers
Complainant	Phool Kumari
Represented through	Mr Vivek Adv
Respondent	Raheja Developers
Respondent Represented through	Mr Gaurav Rampal, Bank Manager (ICICI) Bank, Saket Mr Garvit Gupta Adv
Last date of hearing	
Proceeding Recorded by	Purnima

Proceedings

Vide order of this forum dated 24.08.2022, managers of two banks including ICICI bank were directed to attach bank accounts of JD. No report was filed by any of said bank manager. Show cause notice were issued to both of said bank manager. Bank manager of ICICI Bank is present. According to him, no such notice was conveyed to him. Considering facts mentioned above, show cause notice as well as bailable warrants issued against said manager are recalled.

To come at 2:00 p.m in wait of JD.

Rajender Kumar
Adjudicating Officer
07.02.2023

This is a petition, seeking execution of order passed by the Authority dated 24.08.2021. Vide said order, apart from some other directions, the respondent was directed to pay interest at the prescribed rate of interest i.e., 9.30 per cent per annum for every month of delay from the due date of possession i.e 09.04.2018 till handing over possession of allotted unit. Complainant was also asked to pay outstanding dues (if any), after adjustment of compensation for delayed period.

DH gave her calculation along with the execution petition. According to it, a total of Rs. 36,23,601 was due at the time of filing of execution petition.

During proceedings, on request made by learned counsel for decree holder, some bank accounts of JD were ordered to be attached, vide order of this forum dated 24.08.2022. A report has been received from ICICI bank as described earlier also. According to it, there is a balance of Rs. 2,638,038.79/- in the account of JD, with said bank. Learned counsel for DH requests for direction to manager of said bank, to release decretal amount in favour of his client, after debiting the same from the account of JD, mentioned above.

On the other hand, according to the learned counsel for JD, this forum cannot execute order/decree under execution after passing of order by the High Court of Punjab and Haryana, Chandigarh, in case titled as ***M/s International Land Developers Pvt. Ltd. Vs. Aditi Chauhan and others CWP No. 7738 of 2022, and M/s International Land Developers Pvt. Ltd. Vs Nitin Mathur and others CWP No. 7750 of 2022***. According to him, recovery certificate can only be issued to the collector, to recover decretal amount.

Learned counsel for DH refuted said contention, stating that as order has already been passed to attach said bank account, there is no reason now to issue recovery certificate.

I find weight in the plea of learned counsel for DH. Process for recovery of decretal amount has already been started and the matter has almost reached a conclusion. No reason to issue recovery certificate now. Request of learned counsel for DH is allowed. Let manager of ICICI bank, E-30 Saket, New Delhi-110017, be directed to remit ~~maximum of amount~~ Rs. 3564263 as permitted by rules of bank from account of JD in favour of The Haryana Real

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Estate Regulatory Authority so that same can be disbursed in favour of DH/complainant. Total decretal amount now is stated to be Rs. 35,64,263.

Let a copy of this order be sent to the manager of ICICI Bank stated above for compliance. Report of bank manager be also called in this regard, for next date.

To come on 28.03.2023 for further proceedings.

(Rajender Kumar)
Adjudicating Officer
07.02.2023