

Mohd. Ahtesham V/s M/s. Best Zone Builders & Developers

Ex/AO/48/2021 in
AdC No. 1561/2020 UR

Present Mr. Tushar Advocate proxy of Mr. Mohammad Sartaj Advocate representative for the complainant/DH

This execution could not be decided within sixty days as per the guidelines of the Hon'ble Supreme Court primarily because the recovery warrant was issued on dt. 10.11.2021 and transmitted for execution to the District Collector-cum-Deputy Commissioner, SAS Nagar (Mohali) and despite issuance the reminder time and again, the said authority failed to make the compliance.

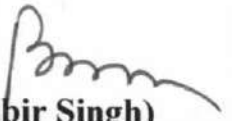
Letter has been received from the revenue authority, Tehsildar-Kharar stating that as per the report no.595 dt. 17.03.2021, the property of the respondent/JD has been attached. It however, transpires that despite attaching the property of the respondent/JD as per above said report and despite lapse of more than 2 years, no amount has been realised by the concerned revenue officials who are under the control of the Tehsildar-Kharar and the report from the Tehsildar-Kharar is unsatisfactory.

Application has been filed on behalf of the complainant/DH under CPC for proceeding against the respondent/JD for non-compliance of the Order pleading that being decree / Order for payment of money, which respondent/JD was not paying, despite adopting regular mode of recovery through Revenue Authorities as arrears of Land Revenue and therefore, show cause notice may be issued for calling upon the respondent as to why he / she be not put in civil imprisonment because of contumacious default.

Heard. It is to be noticed, the provisions of Code of Civil Procedure are applicable to the proceedings of the case in hand, which have been initiated for realising the amount due to the complainant/DH from respondent/JD on the basis of Order dt. 05.04.2021 which assumed finality as no appeal is pending as per office record. Period of 60 days stipulated by the Hon'ble High Court for decision of the execution has already expired and there is hardly any possibility of realisation of the due amount through the normal course of revenue authority.

The respondent/JD has so far not complied with the Order of the High Court and therefore defiance the Order is there. In such a situation, notice under order 151 CPC R/w 21, Rule 37 & Rule 38 of the CPC 1908 is ordered to be issued against the respondent/JD, M/s. Best Zone Builders & Developers through the Managing Director for showing cause on or before 04.08.2023 as to why he/she should not be arrested and detained in civil imprisonment for disobedience of the Order passed by the competent authority. Process be also sent through email.

30.06.2023


(Balbir Singh)
Adjudicating Officer
RERA