

Santosh Sharma

V/s

M/s Chandigarh Overseas Pvt. Ltd.

Ex/AO/92/2021 in
AdC No. 1265/2019

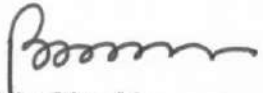
Present Mr. Harmesh Lal Rayat Advocate representative for the complainant/DH
Respondent/JD no.1 is ex-parte vide Order dt. 01.06.2022

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. 16.06.2022 and transmitted for execution to the District Collector-cum-Deputy Commissioner, SAS Nagar (Mohali) and despite issuance the reminders time and again, the said authority failed to make the compliance.

Letter no.386 dt. 06.06.2023 has been received from the revenue authority, Tehsildar-Mohali stating that as per the report no.292 dt. 22.08.2022, 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 one year, no amount has been realised by the concerned revenue officials who are under the control of the Tehsildar-Mohali and the report from the Tehsildar-Mohali is unsatisfactory.

Application has been filed on behalf of the complainant/DH for issuance the show cause notice 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/JD as to why he 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. 24.08.2021 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 of 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 Chandigarh Overseas Pvt. Ltd. through Managing Director* for showing cause on or before 30.08.2023 as to why he 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.

21.07.2023


(Balbir Singh)
Adjudicating Officer
RERA