

Umesh Gulati

VERSUS

M/s Chandigarh Overseas Pvt. Ltd.

EX/AO/37/2022 in
Complaint No. AdC No. 1736/2020


Present Mr. Manoj Vashishtha Advocate proxy of Mr. Ravinder Pal Singh
Advocate representative for the complainant/DH
Respondent/JD is ex-parte vide Order dt. 17.01.2023

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. 01.02.2023 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.

Despite writing the letter to the District Collector-cum-Deputy Commissioner, SAS Nagar (Mohali) for realisation of the due amount due to the complainant/DH from the property of the respondent/JD. Tehsildar-Mohali has failed to comply with the direction of the Hon'ble High Court, as already noticed the directions of Hon'ble High Court of Punjab & Haryana in the case of Sunder Krishnan V/s M/s. ATS Estates Pvt. Ltd. Execution/AO/26/2021 in complaint No. TR/AO/52/2019 in GC No. 1178/2019, the execution has also to be decided within 60 days. The direction had been issued on the basis of guidelines of Hon'ble Supreme Court in Civil Appeal Nos.1659-1660 of 2021 (Special Leave to Appeal Nos.7965-7966/2020) and the said period of 60 days has already lapsed. Therefore, Tehsildar-Mohali has violated the directions of the Hon'ble High Court for effecting of the recovery within the stipulated period and for that matter, reminder be issued for 31.08.2023 to District Collector-cum-Deputy Commissioner, SAS Nagar (Mohali) for getting the due amount realised as per the Recovery Certificate at the earliest and also to obtain the explanation of Tehsildar-Mohali because of his default in not obeying the direction of the Hon'ble High Court within the stipulated period and to transmit with your comments on or before 31.08.2023. Copy of the reminder be also sent to the Tehsildar, RERA, Punjab.

Further, adjournment is requested on behalf of the complainant/DH for filing application under CPC for proceeding against the respondent/JD for non-compliance of the Final Order dt. 13.05.2022 passed by this Bench. Now to come up on 31.08.2023 for filing the application and for further proceedings.

24.07.2023


(Balbir Singh)
Adjudicating Officer
RERA