

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB  
SCO No. 95-98, Bank Square, P.F.C Building, Sector-17-B, Chandigarh

Subject: -

**EXECUTION APPLICATION NO. 11 OF 2022  
IN APPEAL NO. 120 OF 2022**

1. Dr. Ira Dhawan W/o Hanish Kataria.
2. Dr. Hanish Kataria S/o Lt. Sh. Sh. Murli Manohar Lal Kataria  
Both R/o House No. 9-A, Krishna Square, Near Shivala  
Bhaiyan, Amritsar, Punjab

...Decree Holders

Versus

M/s Manohar Infrastructure & Constructions Private Limited  
through its Managing Director, registered office at SCO 139-  
141, Sector-17C, Chandigarh-160017.

....Judgment Debtor

Memo No. R.E.A.T./2023/ 163

To,

REAL ESTATE REGULATORY AUTHORITY, PUNJAB 1<sup>ST</sup>  
FLOOR, BLOCK B, PLOT NO.3, MADHYA MARG,  
SECTOR-18, CHANDIGARH-160018.

Whereas Execution Application titled and numbered as above  
was filed before the Real Estate Appellate Tribunal, Punjab. As  
required by Section 44 (4) of the Real Estate (Regulation and  
Development) Act, 2016, a certified copy of the order passed in  
aforesaid Execution Application is being forwarded to you and the  
same may be uploaded on website.

Given under my hand and the seal of the Hon'ble Tribunal this 11<sup>th</sup>  
day of April, 2023.

*Manoj Kumar*

REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB



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**BEFORE THE PUNJAB REAL ESTATE APPELLATE TRIBUNAL  
AT CHANDIGARH**

Appeal No. 120 of 2022

In GC No. 0067 of 2021

**MEMO OF PARTIES**

1. Dr. Ira Dhawan wife of Hanish Kataria
2. Dr. Hanish Kataria son of Late Sh. Murli Manohar Lal Kataria

Both residents of House No. 9-A, Krishna Square, Near Shivala Bhaiyan, Amritsar, Punjab through their special power of attorney holder namely Arjan Kumar Dhawan son of Sh. Baldev Raj Dhawan resident of House No. 9-A, Krishna Square, Near Shivala Bhaiyan, Amritsar, Punjab

...Appellants/Complainants

**MEMO OF PARTIES**

Versus


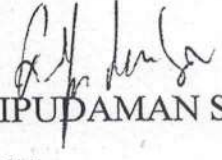
M/s Manohar Infrastructure & Constructions Private Limited through its Managing Director, registered office at SCO 139-141, Sector-17C, Chandigarh-160017.

...Respondent



Chandigarh

Dated: 30.06.2022

  
  
SANJEEV GUPTA & RIPUDAMAN SINGH  
ADVOCATE

COUNSEL FOR THE APPELLANTS

Mr. Dinesh Madra and/ Mr. Manmohan Sharma  
Advocates for the non-applicant.

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**REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AT CHANDIGARH**

**EXECUTION APPLICATION NO. 11 OF 2022**

**IN APPEAL NO. 120 OF 2022**

**DR. IRA DHAWAN & ANOTHER**

**VERSUS**

**MANOHAR INFRASTRUCTURE & CONSTRUCTION PVT. LTD**

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**Present: -** Mr. Sanjeev Gupta, Advocate for the applicants.  
Mr. Dinesh Madra and Mr. Manmohan Sharma,  
Advocates for the non-applicant.

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**EXECUTION APPLICATION NO. 11 OF 2022**

We have heard the parties at some length in the present application. The appeal was disposed of on 11.07.2022 modifying the order of the Real Estate Regulatory Authority, Punjab (hereinafter known as the Authority) to the limited extent that the benefit of interest as granted shall continue till the date of possession. Before recording this, we had upheld the portion of the order of the Authority entitling the present applicant to a plot that he had aspired for i.e. Plot No.562 in the project described as 'The Palm'. Initially the applicant was not ready to accept the stand of the non-applicant in the present proceedings of his allotting this plot within a year or so and the applicant insisted that this amounts to defiance/violation of the orders of the Tribunal. During the course of hearing of the application an affidavit has come on record, filed by the non-applicant explaining the circumstances which has delayed the handing over of the plot to the applicant and such reasons as the affidavit discloses are beyond his control since some litigation etc. is pending before the Hon'ble High Court involving the land from which this plot has been carved out. In view of this we cannot record that the respondent is in defiance of our orders.



An offer was very fairly made by the non-applicant that an alternate plot can be given to the applicant if he so chooses but, that plot is of a bigger dimension than the one opted for by the applicant.

The applicant who has been present in these proceedings on most occasions wanted to visit the site to see the location of the plot now being offered, for which time was granted by this Court. Although, the alternate offer made by the non-applicant is also acceptable to him but possession qua this, too, involves some delay as the matter regarding the land is yet to be settled with the land owners. The respondent has put the time limit of 8 to 9 months for possession to fructify with regard to the alternate plot and has also stated that since the plot is of a bigger dimension, the applicant would be required to pay the differential amount regarding the excess area which may be as per the prevailing market price.

This price deliberation however remained inconclusive before us, but, during the course of hearing today the applicant states that he would rather wait for the original plot to be given to him, once the matter has been settled in the Hon'ble High Court or with the State.

If that be so, then we are of the opinion that no useful purpose would be served by keeping the present application on board any further and we would rather choose to dispose it of on the strength of the statement made by the applicant himself with regard to the Plot No. 562. He has categorically stated that he would be satisfied with this plot whenever the possession fructifies. The applicant has furnished an undertaking to this effect in Court before us under his signatures. We have noticed that the interest of the applicant has been adequately safeguarded in the grant of the interest which is to continue till the time the possession is handed over to the applicant.



Consequently, we dispose of the application with a direction that possession of Plot No. 562 be handed over to the applicant as soon as possible. The non-applicant shall make all endeavours to get the disputes resolved with regard to the plot in question. Sixty per cent of the interest component shall be paid within a period of 2 months and the remaining interest accruing, shall also be paid after a period of 2 months each.

Before parting with the order we record our appreciation for the fair stand taken by the applicant in the entire proceedings and we sincerely hope that the non-applicant would appreciate the balanced approach of the applicant and ensure that he is satisfied in all regards with regard to the plot and further make all efforts to hand over the possession to him in this regard.



*Sdr*  
JUSTICE MAHESH GROVER (RETD.)  
CHAIRMAN

*Sdr*  
S.K. GARG, D & S. JUDGE (RETD.)  
MEMBER (JUDICIAL)

*Sdr*  
ER. ASHOK KUMAR GARG, C.E. (RETD.)  
MEMBER (ADMINISTRATIVE/TECHNICAL)

March 27, 2023  
DS

Certified To Be True Copy

*Dhanendra Kumar*  
Registrar  
Real Estate Appellate Tribunal Punjab  
Chandigarh

11/04/2023