

Kusum Singhal

V/s

M/s. Chandigarh Overseas Pvt. Ltd.


EX/AO/38/2022 in
RERA/ AdCNo 0196 OF 2021

Present None for the complainant/DH
Respondent/JD is ex-parte vide Order dt. 27.03.2023

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. 17.04.2023 and transmitted for execution to the District Collector-cum-Deputy Commissioner, SAS Nagar (Mohali) and despite issuance the reminder which was further marked to Tehsildar-Mohali, the said authority failed to make the compliance.

As per 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. Fresh reminder be issued to District Collector-cum-Deputy Commissioner, SAS Nagar (Mohali) for realisation of the due amount on the basis of recovery certificate on or before 19.09.2023. However, as the concerned revenue authority has not been able to comply with the directions of the Hon'ble Apex Court and it is further clarified by the Hon'ble High Court regarding completion of the proceedings of execution within 60 days from the date of filing; therefore, notice is required to be issued to the concerned Tehsildar through District Collector-cum-Deputy Commissioner, SAS Nagar (Mohali) for showing cause as to why the matter should not be referred to the Hon'ble High Court for initiating contempt proceedings because of the default of the concerned Tehsildar in deliberately not complying with the directions of the Hon'ble High Court as per the guidelines of the Hon'ble Apex Court and explanation by concerned Tehsildar be submitted on or before 19.09.2023. Copy of the reminder be also sent to the Tehsildar, RERA, Punjab. Process be also sent through email.

10.08.2023


(Balbir Singh)
Adjudicating Officer
RERA