

Mrs Naiya Gill Through Her Spa Chaman Lal Premy

V/s

M/s. RKM Housing Ltd. through Managing Director

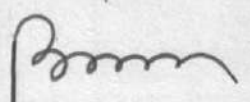
Execution No. AO/38/2021 in  
Adc No. 1648 of 2020

Present Mr. C.L. Premy Advocate representative for the  
DH/Complainant  
None for the respondent/JD

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 reminders time and again, the said authority failed to make the compliance.

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. 15.03.2021 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. RKM Housing Ltd. through Managing Director* for showing cause on or before 25.08.2023 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. Legal Branch is directed to get the report from the Registration Branch / Project Branch of the Hon'ble Regulatory Authority in respect of the name and particulars of the managing director of the respondent company for issuance of notice by name of the managing director.

18.07.2023

  
(Balbir Singh)  
Adjudicating Officer  
RERA