

Bhupinder Singh & Anr. V/s M/s. Emerging Valley Pvt. Ltd. & Anr.


EX/AO/17/2022 in
Complaint No. AdC No. 1784/2020 UR

Present Mr. Avilash Bhattacharjee Advocate representative for the
complainant/DH
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 fresh recovery warrant was issued on dt. 20.07.2023 and transmitted for execution to the District Collector-cum-Deputy Commissioner, SAS Nagar (Mohali) and despite issuance the reminder time and again, 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. In this view of the matter, 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 13.09.2023. However, as the concerned revenue authority failed to comply with the directions of the Hon'ble High Court regarding completion of the proceedings of execution within 60 days from the date of filing; thus, 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; and explanation by concerned Tehsildar with the comments of District Collector-cum-Deputy Commissioner be submitted on or before 13.09.2023 and concerned Tehsildar be summoned for his personal appearance before this Bench for 13.09.2023. Copy of the letter be also sent to the Tehsildar, RERA, Punjab. Process be also sent through email.

09.08.2023


(Balbir Singh)
Adjudicating Officer
RERA