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PART III

Notifications by High Court, Advertisement, Notices and Change of Name etc.

HARYANA REAL ESTATE REGULATORY AUTHORITY, GURUGRAM

Notification

The 21st September, 2020

HARYANA REAL ESTATE REGULATORY AUTHORITY, GURUGRAM (ADJUDICATION OF EXECUTION PETITION) REGULATIONS, 2020

No. 20/RERA GGM Regulations 2019.—

In exercise of the powers conferred under section 40(2) of the Real Estate(Regulation and Development) Act, 2016 read with Rule 27 of the Haryana Real Estate(Regulation and Development) Rules, 2017, the orders passed by the authority or the adjudicating officer shall be enforced in the same manner as if it were a decree or order made by a civil court under Section 40 of the Real Estate(Regulation and Development) Act, 2016 and Rule 27 of the Haryana Real Estate (Regulation and Development) Rules, 2017.

Section 40 Recovery of interest or penalty or compensation and enforcement of order, etc.-

- (1) *If a promoter or an allottee or a real estate agent, as the case may, fails to pay any interest or penalty or compensation imposed on him, by the adjudicating officer or the Regulatory Authority or the Appellate Tribunal, as the case may be, under this Act or the rules and regulations made thereunder, it shall be recoverable from such promoter or allottee or real estate agent, in such manner as may be prescribed as an arrears of land revenue.*
- (2) *If any adjudicating officer or the Regulatory Authority or the Appellate Tribunal, as the case may be, issues any order or directs any person to do any act, or refrain from doing any act, which it is empowered to do under this Act or the rules or regulations made thereunder, then in case of failure by any person to comply with such order or direction, the same shall be enforced, in such manner as may be prescribed.*

Rule 27 Enforcement of order, direction or decision of Adjudicating Officer, Authority, or Appellate Tribunal{Section40}

- (1) *Every order passed by the Adjudicating Officer or the Authority or the Appellate Tribunal, as the case may be, under the Act or rules and the (regulations) made thereunder, shall be enforced by an (adjudicating officer or) the Authority or Appellate Tribunal in the same manner as if it were a decree or a order made by a civil court in a suit pending therein; and it shall be lawful or the adjudicating officer or the Authority or the Appellate Tribunal, as the case may be, in the event of its inability to execute the order, send such order to the civil court, to execute such order.*

- (2) *The court may, for the purpose of compounding any offence punishable with imprisonment under the Act accept an amount as specified in the Table below:*

<i>Offence</i>	<i>Amount to be paid for compounding the offence</i>
<i>Punishable with imprisonment under sub-section (2) of Section 59</i>	<i>Five to ten per cent of the estimated cost of the real estate project</i>
<i>Punishable with imprisonment under section 64</i>	<i>Five to ten per cent of the estimated cost of the real estate project</i>
<i>Punishable with imprisonment under section 66</i>	<i>Five to ten per cent of the estimated cost of the plot, apartment or building, as the case may be, of the real estate project, for which the sale or purchase has been facilitated</i>
<i>Punishable with imprisonment under section 68</i>	<i>Five to ten per cent of the estimated cost of the plot, apartment or building, as the case may be</i>

1. Short Title, Object, Commencement and Extent:

In exercise of the powers conferred on it under Section 85 of the Real Estate (Regulation and Development) Act, 2016 and other powers enabling it in that behalf, the Haryana Real Estate Regulatory Authority, Gurugram hereby makes the following regulations:

- (i) These regulations may be called the Haryana Real Estate Regulatory Authority, Gurugram (Adjudication of Execution Petition) Regulations, 2020.
- (ii) These regulations are meant to establish the procedure for filing and adjudication of execution petition(Section 51 and Order 21 Rule 10 of Code of Civil Procedure) relating to enforcement of orders passed by the Adjudicating Officer or the Regulatory Authority, as the case may be, under section 40 of the Act of 2016.
- (iii) These regulations will come into force from the date of their publication in the official gazette.
- (iv) The Haryana Real Estate Regulatory Authority, Gurugram(Adjudication of Execution Petition) Regulations, 2020 shall apply to all matters falling within the jurisdiction of Real Estate Regulatory Authority, Gurugram as notified by the Government of Haryana vide Notification 1/92/2017-ITCP dated 14.12.2017 which comprises the entire area of Gurugram District.

2. Definitions

Unless the context otherwise requires in these regulations: -

- (i) "Act" means the Real Estate (Regulation and Development) Act, 2016 as amended from time to time.
- (ii) "Rules" means the Haryana Real Estate Regulatory Authority (Regulation and Development) Rules, 2017 as amended from time to time.
- (iii) "Regulations" means the Haryana Real Estate Regulatory Authority, Gurugram (Adjudication of Execution Petition) Regulations, 2020 as amended from time to time.
- (iv) "Authority" means the Haryana Real Estate Regulatory Authority, Gurugram.
- (v) "Adjudicating Officer" means the adjudicating officer appointed under sub-section(1) of Section 71
- (vi) 'Court' means a civil, criminal or revenue court and includes any tribunal or any other authority constituted under any law for the time being in force to exercise judicial or quasi-judicial functions.
- (vii) Words and expressions used herein and not defined but defined in the Act shall have the same meaning respectively assigned to them in the Act.

3. Filing of Execution Petitions

A perusal of Section 40(1) of the Act of 2016 shows that for enforcing liability upon the promoter/allottee or a real estate agent with regard to payment of any interest or penalty or compensation imposed on him by the adjudicating officer or the authority or the appellate tribunal, as the case may be, it is provided that the same shall be recoverable from that person as an arrears of land revenue. So, Section 40 of the Act of 2016 has to be read with this regulation in order to recover the amount due from the promoter or

an allottee or a real estate agent, as the case may be, by filing an execution petition under section 51 read with Order 21 Rule 10 Code of Civil Procedure, 1908 in the prescribed proforma(Annexure 1) as given in Order 21 Rule 11 of CPC. Since the amount due against a promoter or allottee or a real estate agent is to be recovered as arrears of land revenue by following the provisions of the Punjab Land Revenue Act, 1887, so a recovery certificate to the Collector of the concerned district as per the provisions of the Revenue Recovery Act, 1890(Annexure-II) is to be issued by the Adjudicating Officer or the authority, as the case may be.

Now, the second situation is with regard to enforcement of orders or directions passed by an adjudicating officer or the regulatory authority as provided under section 40(2) of the Act of 2016 read with rule 27 of the Haryana Real Estate(Regulation and Development) Rules, 2017. It is provided under rule 27(1) of the said rules that the orders or directions passed by the adjudicating officer or the authority shall be enforced in the same manner as it were a decree or a order made by a civil court in a suit pending therein. It shall also be lawful for the adjudicating officer or the authority as the case may be that in the event of its inability to execute the order, send such an order to the principal civil court within those jurisdiction the real estate project is located or to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the person against whom the order is being issued resides or carries on business or personally works for gain alongwith a certificate stating that an order has not been executed by it.

However, for enforcement of the orders and directions passed by the adjudicating officer or the authority, as the case may be, a specific procedure as per provisions of Code of Civil Procedure is to be prescribed and the same is as under:

- 3.1** After an order or direction has been passed by the adjudicating officer or the authority in a case pending before it and the same is to be enforced, then the petitioner by filing a petition either personally before the authority/adjudicating officer himself or do so through an authorized representative who may be a chartered accountant or company secretary or cost accountant or a legal practitioner or any of its officers (Section 56 of the Act of 2016). The name, mobile number and email of the person or agency through whom the petitioner wishes to be represented shall also be deemed to be the registered mobile number and registered email of the petitioner. A notice on such mobile number or email shall be deemed to be a proper service of notice to the petitioner. The authority/adjudicating officer will send all communications to the petitioner as well as to his representative, but a notice/communication to any one of them will also be deemed to be a proper notice/communication to the petitioner. (Order 21 Rule 10 CPC)
- 3.2** The execution petition shall be filed before the authority/adjudicating officer on plain paper in duplicate (along with the soft copy of petition in word format) plus copies in accordance with number of respondents in the format prescribed(Appendix A to E) given below
- (a) Index (Appendix III)
 - (b) Brief facts (Appendix IV)
 - (c) Proforma for execution as prescribed by the Authority(Appendix 1).
 - (d) List of assets (movable or immovable) of the respondent/ JD/company as well as its directors, if any (Appendix V).
 - (e) Calculation sheet of claim, if any, (Appendix VI)
 - (f) Affidavit in assertion of claim as well as documents (Appendix)(VII)
 - (g) Any other supporting documents (if any)
 - (h) Relief sought (reproduce the content of the order that has to be executed) (VIII)
 - (i) A demand draft in favour of “Haryana Real Estate Regulatory Authority, Gurugram” amounting to Rs. 500/-.
 - (j) Certified copy of the final order/decreed
- (ii) The petition for execution should be in serial number.

All the execution petitions should be filed as per the format given in the appendices. The petitions must be accompanied by prescribed fee and in accordance with given format after suitably modifying the same according to the facts of the case.

- 3.3** All the petitions shall be examined by the office of the authority to ensure that they are legible and in the prescribed format and all appendices cited in the petition are annexed. A report shall be made by the office as to whether the decree/order to be executed is or not under challenge before the higher

- authority and there is any stay to execute that order/decreed and the statutory period to file appeal has expired or not. It shall also be reported as to whether any claim or its part has been satisfied either during the pendency of the case or before the filing of the petition. The petitions which are not in the prescribed format shall be returned for correction and re-submission in the prescribed format and if the same are not accompanied by prescribed fees shall be returned.
- 3.4** The Secretary/Registrar shall cause all the petitions received in the prescribed format to be placed before the authority/adjudicating officer in the next meeting.
- 3.5** The petitions shall be filed personally or through an authorised person in the office of the Registry of the authority. In case, a petition is found to be in the prescribed format, the same shall be placed before the authority/adjudicating officer for consideration. However, if it is not in the prescribed format, a communication shall be given regarding the deficiencies and the petitioner will be asked to rectify deficiencies within 15 days. Only a complete petition shall be deemed to be a petition received by the authority/adjudicating officer for execution. In case the deficiencies as pointed out to the petitioner in the petition are not rectified within the given time frame, the same shall be rejected. However, the petitioner shall have the liberty to file a fresh petition in the prescribed format. (Order 21 Rule 17 of Code of Civil Procedure)
- 3.6** The Secretary/Registrar shall prepare a register of the petitions received which are complete in all respects for placing before the authority/adjudicating officer on weekly basis. An information relating to incomplete petitions will also be prepared in the similar manner and brought to the notice of the authority/adjudicating officer every week.
- 3.7** The members of the authority/adjudicating officer shall be given copies of each of the petition at least two days before the sitting of the authority by the Secretary/Registrar. An intimation of the date of hearing will also be sent to the petitioner (under Order 21 Rule 17 of CPC) The petitioner may represent himself personally or through an authorized representative before the authority on the date of hearing.
- 3.8** The authority/adjudicating officer shall consider the petition and upon finding a prima-facie case, may issue a notice to the respondent, if filed beyond two years from the date of passing of order(Order 21 Rule 22 of Code of Civil Procedure). The notice to the respondent shall ordinarily be of 21 days for filing response, if any. However, if the decree is for payment of money, execution by detention in prison shall not be ordered unless after giving the judgment debtor an opportunity of show cause under Order 21 Rule 37 CPC (Annexure IX) as to why he should not be committed to prison provided the authority for reasons recorded in writing is satisfied by affidavit or otherwise :
- (a) that the judgement debtor with the object or effect of obstructing or delaying the execution of the decree,—
- (i) is likely to abscond or leave the local limits of the jurisdiction of the Authority, or
- (ii) has, after the institution of the claim in which the decree was passed, dishonestly transferred, concealed, or removed any part of his property, or committed any other act of bad faith in relation to his property, or
- (b) that the judgement-debtor has, or has had since the date of the decree, the means to pay the amount of the decree or some substantial part thereof and refuses or neglects or has refused or neglected to pay the same(Proviso to Section 51 CPC)
- 3.9** The notice to the respondent/judgment debtor shall be sent through registered post/courier/e-mail with a copy of the petition by the concerned officer of the authority. An intimation will also be sent through email and phone number of the respondent conveyed by the petitioner or the phone number or the email of the respondent available with the authority in its database (Order 21 Rule 22 of CPC)
- 3.10** An intimation of the notice issued to the respondent as well as of the date of hearing shall also be given to the petitioner on his mobile number or email furnished to the authority.
- 3.11** The respondent/judgment debtor shall submit two copies of his reply. The respondent shall also send a copy of his reply to the petitioner. The Secretary/Registrar shall place the petition along with the reply received from the respondent before the authority/adjudicating officer. A full set of petition and the reply received from the respondent shall be provided to each of the member on the bench at-least one day before the date of hearing (Order 21 Rule 23 CPC)
- 3.12** In his reply, the respondent should specifically answer the assertions made by the petitioner and supported by documents or specifically deny the same. In case, the same are denied, the reasons and proof thereof must be given and documents, if any, in support of the assertions should be annexed.

- 3.13** The reply of the respondent/JD shall be broadly in the same format as prescribed for filing the petition. It shall be comprised of the following parts:
- (i) Index
 - (ii) Reply to the facts alleged by the petitioner. Any additional fact in the knowledge of the respondent/judgment debtor may be cited along-with evidence.
 - (iii) Reply to the calculation sheet submitted by the petitioner
 - (i) Any other submission of the respondent.
 - (ii) Reply to the relief sought by the petitioner.
 - (iii) An affidavit in support of assertions as well as documents filed with the reply
- 3.14** Ordinarily, no adjournment to either of the party will be given. Adjournment can be granted when adequate justification is furnished otherwise, the adjournment shall be granted with cost which may be decided by the authority/adjudicating officer depending upon facts and circumstances of the case.
- 3.15** Every petition, every application, reply, affidavit, annexures to petition or the reply etc. shall be in the English language and shall be typed in double spacing on one side of a superior quality legal size paper having 70 GSM only with font Thorndale, font size 14 in double space with margin 1.25” on top, 0.75” on bottom, 1.75” on left side and 0.75” on the right side. It shall be headed “In The Haryana Real Estate Regulatory Authority, Gurugram, Haryana”. No memorandum of petition or application etc. or copy thereof shall be entertained unless it is legible. However, annexures to petition may be filed as photocopies which are legible, properly spaced with proper font size etc. mentioned therein above and self-attested as to be a true copy.
4. In cases of any order or direction to a person to pay certain amount passed by the adjudicating officer or the regulatory authority, as the case may be, and that person refuses to pay that amount, then his movable property in execution of that order or decree as prescribed under Order 21 Rule 30 CPC (Proforma Appendix X) is liable to be attached by the authority.
 5. In cases of any order or direction to a person to put into possession the petitioner of a particular flat/building or commercial unit and refuses to obey the same, the authority/adjudicating officer may issued a warrant to give possession as per the provisions of Order 21 Rule 35 CPC (Appendix XI)
 6. In cases of any order or direction for execution of decree by way of arrest and detention, the authority/adjudicating officer may issue warrant of arrest as per provisions of Order 21 Rule 38 CPC(Appendix XII) and send that person to jail by preparing a warrant of committal as per provisions of Order 21 Rule 40 CPC(Appendix XIII)
 7. In cases of an order or direction has been complied with by the judgment debtor and is lodged in the jail, he/she can be released by the authority by issuance of an order as per Section 58 and 59 CPC(Appendix XIV)
 8. In cases of an order or direction to the judgment debtor prohibiting him from transferring and creating any charge over some property, the adjudicating officer/authority can pass an order as per the provisions of Order 21 Rule 54 CPC(Annexure XV)
 9. In cases of an order or direction to the judgement debtor to be complied with or for payment of certain amount to the decree holder, the authority/adjudicating officer can pass an order under Order 21 Rule 41(2) CPC by giving a direction to file an affidavit of his assets (Appendix XVI)
 10. In cases where the decree is for payment of money, the authority/adjudicating officer can issue warrant of sale of the property under attachment to recover the amount due as per the provisions of Order 21 Rule 66 CPC(Appendix XVII 1 to 4)
 11. In cases where the attached property has been put to auction and sold, then the person in possession of that property can be prohibited from delivering that property to anyone except the auction -purchaser as per provisions of Order 21 Rule 79 CPC(Appendix XVIII)

12. In cases where the order or direction issued by the authority/adjudicating officer are not complied with for whatever reasons may be, then a certificate of non-satisfaction of decree alongwith a certificate of execution of decree transferred to an another court as per the provisions of Order 21 Rule 6 CPC and a precept as per the provisions of Section 46 CPC (Appendix XIX) can be issued.
13. Orders passed by the authority/ adjudicating officer upon hearing will ordinarily be recorded and communicated to both the parties.
14. The Authority reserves the right to make new and any amendment in the regulations as and when required.

DR. K. K. KHANDELWAL,
Chairman,
Haryana Real Estate Regulatory Authority, Gurugram.

Annexure : I**Proforma for Execution**

APPLICATION FOR EXECUTION OF DECREE/ORDER

Before, the Haryana Real Estate Regulatory Authority, Gurugram.

I, _____, decree-holder, hereby apply for execution of the decree herein-below set forth : -

Complaint number	Name of parties	Date of final order	Whether any appeal preferred from decree	Payment or adjustment made, if any	Previous application, if any, with date and result	Amount with interest due upon the decree or other relief granted thereby	Against whom to be executed
1	2	3	4	5	6	7	8

I, _____ declare that what is stated herein is true to the best of my knowledge and belief.

Date :

Signatures of Decree-holder

Annexure :II**BEFORE THE HARYANA REAL ESTATE REGULATORY AUTHORITY/ADJUDICATING OFFICER,
GURUGRAM****Recovery-Certificate****Section 5(1) of the Revenue Recovery Act, 1890**

To

The District Collector

Gurugram

Memo no . _____

Dated : _____

A sum of Rs. _____ is payable on account of _____
_____ by _____ son of _____ resident
of _____ who is believed to be _____ to have property consisting of
_____ at your district.

Subject to the provisions of the Revenue Recovery Act, 1890, the said sum is recoverable by you as if it were an arrears of land revenue which had accrued in your own district and you are hereby desired so to recover it and to remit it in the account of the authority *i.e.* Haryana Real Estate Regulatory Authority, Gurugram either by an account payee cheque or by way of bank draft for payment to the petitioner/decree holder.

-Sd-
Secretary/Adjudicating Officer
HARERA, Gurugram

Annexure : III**Index**

It should indicate page numbers of each component of the Execution petition. An illustration of the index is given below:—

	Index	
Petitioner		(Name and address)
	V/S	
Respondent		(Name and address)

Page no.	Contents
1-2	Brief facts
3	Affidavit
4	Proforma for execution as prescribed
5	Relief sought
6	Demand draft
7-16	Certified copy of the final order
17-19	Certified copy of the decree
20	Annexures, if any.

(Page numbering to be done as per actual number of pages)

Signatures of Decree-holder/Petitioner

Annexure : IV**Brief facts**

In this part, the petitioner should provide only relevant facts. The facts should be given briefly and in a logical manner so as to convey to the authority as well as to the respondent the precise basis and nature of the grievance. The judgements and arguments should be avoided. All the facts and allegations must be refer-able to some document or some evidence, a copy of which should invariably form part of the petition. An execution petition not accompanied by relevant documents or evidence can be returned for correction by the authority.

The petitioner must state all the facts which are in his knowledge to enable the respondent to reply to each one of them. Ordinarily, no further opportunity will be given to produce additional facts or documents unless, such facts or documents were not in the knowledge of the petitioner on the date of filing the petition. Relaxation, however, may be granted by the authority in the interest of justice with or without costs depending on circumstances of the case.

If the petitioner wishes to cite any law or rule or any judgment of the court in support of his assertions, he may do so in this section.

Annexure: V

BEFORE THE HARYANA REAL ESTATE REGULATORY AUTHORITY, GURUGRAM**List of Assets to be made by a judgment-debtor**

A.B. Decree-holder

Versus

C.D. Judgment-debtor

I _____ of _____ state on Oath/solemn affirmation as follows:

1. My full name is _____ (Block capitals)
2. I live at _____
3. I am _____ married/single/widower (widow)/divorced
4. The following persons are dependant upon me : -
5. My employment, trade or profession is that of _____
Carried on by me at _____
I am a director of the following companies: -
6. My present annual/monthly/weekly income, after paying income-tax, is as follows: -
 - (a) From my employment, trade or profession Rs. _____
 - (b) Form other sources Rs. _____
7. (a) I own the house in which I live; its value is Rs. _____
I pay as outgoings by way of rates, mortgage, interest, etc.,
The annual sum of Rs. _____
(c) I pay asrent the annual sum of Rs. _____
8. I possess the following :-
 - (a) Banking accounts; (details to be given)
 - (b) Stocks and shares; (details to be given)
 - (c) Life and endowment policies; (details to be given)
 - (d) House property; (details to be given)
 - (e) Other property; (details to be given)
 - (f) Other securities; (details to be given)
9. The following debts are due to me: -
(give particulars)
 - (a) From _____ of _____
Rs. _____
 - (b) From _____ of _____
Rs. _____ (etc.)

Signatures of Judgment-debtors

Annexure : VI

**Calculation Chart, if any, of the Decree-holder/petitioner
(to be filed alongwith the Execution petition)**

Date:

Signatures of Decree-holder

Annexure : VII**AFFIDAVIT**

(A self-attested affidavit on Rs. 10 stamp paper shall be submitted by the petitioner in the format given below:

Before The Real Estate Regulatory Authority, Gurugram, Haryana

I _____ S/o _____, R/o _____ do hereby solemnly affirm and state as under:

1. That all the facts and submissions made in this petition are true and correct and nothing material has been concealed therein.
2. That no similar petition is pending before any other authority, Court of Law, Consumer Commission or any other tribunal (if it is pending, the details thereof should be given).
3. No stay has been granted by any appellate authority or the tribunal or the Court of Law against the order passed by the hon'ble authority.
4. The decree/order has not been executed till date against the respondent.
5. That a draft/banker's cheque bearing no. _____ dated _____ of _____ bank of Rs. _____ is annexed as prescribed fee.
6. A self-attested copy of AADHAR card of the deponent is annexed.

(DEPONENT)

Verification:

The statement made by me above is true to the best of my knowledge and belief.

Date:

Place:

(DEPONENT)

Annexure : VIII

BEFORE THE HARYANA REAL ESTATE REGULATORY AUTHORITY, GURUGRAM

Relief sought (in brief in the Execution petition)

To get the order dated executed through the hon'ble authority.

The operative part of the order is reproduced as under:

“
.....
..... ”

Signatures of the Decree-holder

Annexure : IX

Notice to Show Cause as to Why Warrant of Arrest should not be Issued

(O. 21, R. 37)

(Title of the petition)

To

.....

S/o.....

R/o

Whereas..... S/oi.e. the petitioner has moved an application to this Authority for execution of decree in petition No.of 20....., by arrest and imprisonment of your person. You are hereby required to appear before this Authority on the day of 20....., to show cause why you should not be committed to the civil prison in execution of the said decree.

GIVEN under the direction and seal of the Authority, this day 20.....

-sd-
Secretary/AO
HARERA, Gurugram

Annexure : X**Warrant of Attachment for Movable Property in Execution of a Decree for Money**

(O. 21, R. 30 CPC)

(Title of the petition)

To

The Bailiff of the Authority,

Whereas.....(Name of Respondent) was ordered by decree of this Authority passed on the day of 20....., petition No. of 20....., to pay to the petitioner. the sum of Rs. as noted in the margin; and whereas the said sum of Rs. has not been paid; These are to command you to attach the movable property of the said..... son of resident ofas set forth in the schedule hereunto annexed, or which shall be pointed out to you by the said petitioner....., and unless the said respondent/judgment-debtor shall pay to you the said sum of Rs. together with Rs. besides the cost of this attachment, to hold the same until further orders from this Authority.

You are further commanded to return this warrant on or before the day of 20___, with an endorsement certifying the day on which and manner in which it has been executed, or why it has not been executed.

GIVEN under the direction and seal of the Authority, this day 20.....

Schedule of the Property

-sd-
Secretary/AO
HARERA, Gurugram

Decretal/Principal amount	:
Interest	:
Costs	:
Further interest	:
Grand Total	:

Annexure : XI

Warrant to the Bailiff to Give Possession of Land, etc.

(O. 21, R. 35 CPC)

(Title of the petition)

To

The Bailiff of the Authority.

Whereas the undermentioned property is in the occupancy ofson ofresident ofand has been decreed to be given possession toson ofresident of i.e. the petitioner in this petition; You are hereby directed to put the said petitioner in possession of the same, and you are hereby authorized to remove any person bound by the decree who may refuse to vacate the same.

GIVEN under the direction and seal of the Authority, thisday20.....

Schedule of the Property to be given possession.

.....
.....

-sd-
Secretary/AO
HARERA, Gurugram

Annexure : XII

Warrant of Arrest in Execution

(O. 21, R. 38 CPC)

(Title of the petition)

To

The Bailiff of the Authority.

Whereas (Name of respondent/JD) was adjudged by a decree of the Authority in petition No. of 19, dated the day of 19....., to pay to the decree-holder the sum of Rs. as noted in the margin, and whereas the said sum of Rs. has not been paid to the said decree-holder in satisfaction of the said decree. These are to command you to arrest the said judgment-debtor and unless the said judgment-debtor should pay to you the said sum of Rs. together with Rs. for the cost of executing this process, to bring the said respondent before the Authority with all convenient speed.

You are further commanded to return this warrant on or before the day of 20..... with an endorsement certifying the day on which and manner in which it has been executed, or the reason why it has not been executed.

GIVEN under the direction and seal of the Authority, this day 20.....

-sd-
Secretary/AO
HARERA, Gurugram

Decretal/Principal amount	:
Interest	:
Costs of Execution	:
Grand Total	:

Annexure : XIII

Warrant of Committal of Judgment-Debtor to Jail

(O. 21, R. 40 CPC)

(Title of the petition)

To

The Officer in charge of the Jail/Superintendent of Jail.

.....

Whereas son ofresident of who has been brought before this Authority this day of 20....., under a warrant in execution of a decree which was made and pronounced by the said Authority on the day of 20....., and by which decree, it was ordered that the said judgment-debtor.....should pay ; And whereas the said judgment-debtor has not obeyed the decree nor satisfied the Authority that he is entitled to be discharged from custody; You are hereby commanded and required to take and receive the said judgment-debtor into the civil prison and keep him imprisoned therein for a period not exceeding or until the said decree shall be fully satisfied, or the said judgment-debtor shall be otherwise entitled to be released according to terms and provisions of Section 58 of the Code of Civil Procedure, 1908; and the Authority does hereby fix Rs. per diet as the rate of the monthly allowance for the subsistence of the said judgment-debtor during his confinement under this warrant of committal.

GIVEN under the direction and seal of the Authority, thisday 20.....

-sd-
Secretary/AO
HARERA, Gurugram

Annexure : XIV**Order for the Release of a Person Imprisoned in Execution of a Decree****(Sections 58, 59 CPC)**

(Title of the petition)

To

The Officer in charge of the Jail/Superintendent of Jail

.....

Under orders passed this day by the Authority, you are hereby directed to set free son
of resident of respondent/judgment-debtor now in your custody.

Dated.

-sd-
Secretary/AO
HARERA, Gurugram

Annexure : XV

Attachment in Execution**Prohibitory Orders, Where the Property Consists of Immovable Property**

(O. 21, R. 54 CPC)

(Title of the petition)

To

.....

S/o

R/o Respondent.

Whereas you have failed to satisfy a decree passed against you on the day of in petition No. of 20....., in favour of petitioner for Rs. ; It is ordered that you, the said judgment-debtor be, and you are hereby, prohibited and restrained, until the further orders of the Authority, from transferring or charging the property specified in the schedule hereunto annexed, by sale, gift or otherwise, and that all person be, and that they are hereby, prohibited from receiving the same by purchase, gift or otherwise.

It is also ordered that you should attend the Authority on the day of 20..... to take notice of the date fixed for setting the terms of the proclamation of sale.]

GIVEN under the direction and seal of the Authority, this day 20.....

Schedule of the Property

.....

.....

-sd-
Secretary/AO
HARERA, Gurugram

Annexure : XVI

BEFORE THE HARYANA REAL ESTATE REGULATORY AUTHORITY, GURUGRAM**Affidavit of Assets to be made by a Judgment-debtor****(self attested)**

Order XXI, Rule 41(2) CPC]

A.B. Decree-holder.

vs.

C. Judgment-debtor.

I S/o R/o

Solemnly on affirmation declare as under :-

1. My full name is,
(Block Capitals)
2. I live at
3. I am married/single/widower (widow)/divorced
4. The following persons are dependant upon me:—
5. My employment, trade or profession is that of carried on by me at
I am a director of the following companies:—
6. My present annual/monthly/weekly income, after paying income-tax, is as follows:—
 - (a) From my employment, trade or profession Rs.
 - (b) From other sources Rs.
7. (a) I own the house in which I live; its value is Rs.
I pay as outgoings by way of rates, mortgage, interest, etc., the annual sum of Rs.
(b) I pay as rent the annual sum of Rs.
8. I possess the following:—
 - (a) Banking accounts;
 - (b) Stocks and shares;
 - (c) Life and endowment policies; Give particulars.
 - (d) House property;
 - (e) Other property;
 - (f) Other securities;
9. The following debts are due to me:— (give particulars)
 - (a)
 - (b)

(Deponent)

That the above particulars given by me are correct to the best of my knowledge and belief.

Date :

Place :

(Deponent)

Annexure : XVII

Warrant of Sale of Property in Execution of a Decree for Money

(O. 21, R. 66 CPC)

(Title of the petition)

To

The Bailiff of the Authority.

These are to command you to sell by auction, after giving days' previous notice, by affixing the same in the Authority complex, and after making due proclamation, the property attached under a warrant from this Authority, dated the day of 20....., in execution of a decree in favour of in petition No. of 20....., or so much of the said property as shall realize the sum of Rs..... being the of the said decree and costs still remaining unsatisfied.

You are further commanded to return this warrant on or before the day of 20....., with an endorsement certifying the manner in which it has been executed, or the reason why it has not been executed.

GIVEN under the direction and seal of the Authority, thisday..... 20.....

Schedule of Property to be auctioned

.....
.....

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Secretary/AO
HARERA, Gurugram

Annexure : XVII/1

Notice of the Day Fixed for Settling a Sale Proclamation

(O. 21, R. 66 CPC)

(Title of the petition)

To

.....

Son of

Resident of Judgment-debtor.

Whereas in the above-named petition (name of the petitioner), the decree-holder, has applied for the sale of property(details); you are hereby informedthat theday of 20....., has been affixed for settling the terms of the proclamation of sale.

GIVEN under the direction and seal of the Authority, thisday.....20.....

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Secretary/AO
HARERA, Gurugram

Annexure : XVII/II

Proclamation of Sale

(O. 21, R. 66 CPC)

(Title of the petition)

Petition No. of 20....., decided by the of in which was son of was the petitioner andson ofwas respondent.—Notice is hereby given that, under rule 64 of Order XXI of the Code of Civil Procedure, 1908, an order has been passed by this Authority for the sale of the attached property mentioned in the annexed schedule, in satisfaction of the claim of the decree-holder in the petition (1) mentioned in the margin, amounting with costs and interest up to date of sale to the sum of.

The sale will be by public auction, and the property will be put up for sale in the lots specified in the schedule. The sale will be of the property of the judgment-debtor above-named as mentioned in the schedule below; and the liabilities and claims attaching to the said property, so far as they have been ascertained, are those specified in the schedule against each lot.

In the absence of any order of postponement, the sale will be held by at the monthly sale commencing at o'clock on the at In the event, however, of the debt above specified and of the costs of the sale being tendered or paid before the knocking down of any lot, the sale will be stopped.

At the sale, the public is generally invited to bid, either personally or by duly authorized agent. No bid by, or on behalf of, the judgment-creditors above-mentioned, however, will be accepted, nor will any sale to them be valid without the express permission of the Authority previously given. The following are the further Conditions of sale

1. The particulars specified in the schedule below have been stated to the best of the information of the Authority, but the Authority will not be answerable for any error, mis-statement or omission in this proclamation.
2. The amount by which the biddings are to be increased shall be determined by the officer conducting the sale. In the event of any dispute arising as to the amount bid, or as to the bidder, the lot shall at once be again put up to auction.
3. The highest bidder shall be declared to be the purchaser of any lot, provided always that he is legally qualified to bid, and provided that it shall be in the discretion of the Authority or officer holding the sale to decline acceptance of the highest bid when the price offered appears so clearly inadequate as to make it advisable to do so.
4. For reasons recorded, it shall be in the discretion of the officer conducting the sale to adjourn it subject always to the provisions of rule 69 of Order XXI.
5. In the case of movable property, the price of each lot shall be paid at the time of sale or as soon after as the officer holding the sale directs, and in default of payment the property shall forthwith be again put up and re-sold.
6. In the case of immovable property, the person declared to be the purchaser shall pay immediately after such declaration a deposit of 25 per cent. On the amount of his purchase-money to the officer conducting the sale, and in default of such deposit the property and forthwith be put up again and re-sold.
7. The full amount of the purchase-money shall be paid by the purchaser before the Authority closes on the fifteenth day after the sale of the property, exclusive of such day, or if the fifteenth day be a Sunday or other holiday, then on the first office day after the fifteenth day.
8. In default of payment of the balance of purchase-money within the period allowed, the property shall be resold after the issue of a fresh notification of sale. The deposit, after defraying the expenses of the sale, may, if the Authority thinks fit, be forfeited to Government and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.

GIVEN under the direction and seal of the Authority, thisday 20.....

(i) Schedule of Property.

.....

(ii) No. of Plots.

.....

(iii) Description of property to be sold, with hename of each owner

Where there are more judgment-debtors than one.

.....

.....

(iv) The revenue assessed upon the estate or part of the estate, if the property to be sold is an interest in estate or a part of an estate paying revenue to Government

.....

(v) Detail of any encumbrances to which the property is liable.

.....

(vi) Claims, if any, which have been put forward to the property and any other known particular bearing on its nature and value.

.....

(vii) The value of the property as state by the decree holder.

.....

(viii) The value of the property as stated by the judgment-debtor

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Secretary/AO
HARERA, Gurugram

Annexure :XVII/III

Order on the Nazir for Causing Service of Proclamation of Sale

(O. 21, R. 66 CPC)

(Title of the petition)

To

The Office of the Authority.

Whereas an order has been made for the sale of the property of the judgment-debtor specified in the schedule hereunder annexed, and whereas the day of 2020, has been fixed for the sale of the said property, copies of the proclamation of sale are by this warrant made over to you, and you are hereby ordered to have the proclamation published by beat of drum within each of the properties specified in the said schedule, to affix a copy of the said proclamation on a conspicuous part of each of the said properties and afterwards on the Authority Complex, and then to submit to this Authority a report showing the dates on which and the manner in which the proclamations have been published.

Date day of 20.....

Schedule of the Property to be auctioned.

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-sd-
Secretary/AO
HARERA, Gurugram

Annexure : XVIII**Notice to Person in Possession of Movable Property Sold in Execution**

(O. 21, R. 79 CPC)

(Title of the petition)

To

.....

Son of

Resident of

Whereas..... S/o..... R/o..... has become the purchaser at a public sale in execution of the decree in the above petition ofnow in your possession. You are hereby prohibited from delivering possession of the said property to any person except the said.....

GIVEN under the direction and seal of the Authority, thisday 20.....

Schedule of the Property

.....

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Secretary/AO
HARERA, Gurugram

Annexure : XIX**Order Sending Decree for Execution to another Court**

(O. 21, R. 6 CPC)

(Title of the petition)

Whereas the decree-holder in the above petition has applied to this Authority for a certificate to be sent to the Court of..... atfor execution of the decree in the above petition by the said Court, alleging that the judgment-debtor resides or has property within the local limits, of the jurisdiction of the said Court, and it is deemed necessary and proper to send a certificate to the said Court under Order XXI, rule 6, of the Code of Civil Procedure, 1908, it is ordered :

That a copy of this order be sent to (name of the Court) with a copy of the decree and of any order which may have been made for execution of the same and a certificate of non-satisfaction.

Dated day of 20.....,

-sd-
Secretary/AO
HARERA, Gurugram

Annexure : XX**PRECEPTS**

(Section 46 CPC)

(Title of the petition)

Upon hearing the decree-holder, it is ordered that this precept be sent to the Court of at under section 46 of the Code of Civil Procedure, 1908, with directions to attach the property specified in the annexed schedule and to hold the same pending any application which may be made by the decree-holder for execution of the decree.

Schedule of the property to be attached.

Dated _____ day of _____ 20_____.

-sd-
Secretary/AO
HARERA, Gurugram

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