



Circular No. RERA/Legal/2022/7816

Dated: 04/08/22

CIRCULAR- EXECUTION OF RERA ORDERS

The Execution Applications arising from the Complaints filed under Section 31 of the Real Estate (Regulation & Development) Act, 2016, shall be heard by the Authority or respective benches of Authority or Adjudicating Officer as the case may be.

2. Filing of execution application: -

2.1 After an order or direction or decision has been passed by the Authority in a case pending before it and the same is to be enforced, then the applicant by filing a petition either personally before the Authority 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 Authority will send all communications to the applicant as well as to his representative, but a notice/communication to any one of them will be deemed to be a proper notice/communication to the petitioner.

2.2 The execution application shall be filed by the applicant before the Authority in the prescribed format (**Annexure -1**). The applicant will be required to submit additional sets of the execution application and its supporting documents equal in number to the strength of the Bench hearing the execution application.

2.3 The application may be comprised of following: —

- (a) Index
- (b) Application for execution in prescribed form
- (c) Details of property of the respondent/Judgement Debtors i.e. Copy of Jamabandi/Fard of the respondent/JD, if any by Decree-Holder
- (d) Details of Bank Accounts of Respondent/JD, if any
- (e) Calculation sheet of due amount/claim
- (f) Any other supporting documents (if any)
- (g) Certified Copy of the final order/decreed, of which execution has been sought.
- (h) Vakalatnama (in case application is filed through Advocate)

2.4 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 annexures cited in the petition/application are duly 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.

2.5 The petitions may be filed personally or through an authorized person in the office of the Authority. In case, a petition is found to be in the prescribed format, the same shall be placed before the Authority or the Adjudicating Officer or the respective Bench of the Authority, as the case may be, for consideration. However, if it is not in the prescribed format, a communication shall be given regarding the deficiencies and the applicant will be asked to rectify deficiencies within 15 days.


2.6 The Authorized Officer/Registry shall prepare a register of the petitions/applications received.

2.7 Consequent upon filing of Execution Application, the Authority or the Adjudicating Officer or the respective bench as the case may be shall after consider the petition/application and upon finding a prima-facie case, shall issue a notice to the Respondent/ Judgement Debtor.

2.8 The notice to the respondent/judgment debtor shall be sent on the address of the respondent available with the Authority in its database.

2.9 The respondent/judgment debtor shall submit his reply/objections, if any. The respondent/judgement debtor shall also send a copy of his reply/objections to the applicant/decreed holder.

2.10 After objections are received, the Authority or the Adjudicating Officer of the respective bench as the case may, be shall get the report of Finance and Accounts Branch of the Authority regarding exact due amount from the respondent up to the date of execution.



3. In case, any order or direction or decision to a person to pay certain amount passed by the Authority or Adjudicating Officer, and that person against whom such order/ directions etc. has been passed refuses/ fails to pay that amount, then the Authority or the Adjudicating Officer or the respective bench shall issue Recovery Certificate against the Respondent/ Judgement Debtor to be executed by the Collector where the property(ies) of the promoter is/ are situated. Property Details, Calculation Sheet of the due amount and copy of any other requisite document such Bank Account details of respondent/promoter/JD etc. shall be attached with the Recovery Certificate. In the Recovery Certificate, District Collector may also be authorised to recover the further interest at the rate of percentage (SBI MCLR on the date of execution) +2% on the principal amount, after the date of filing of execution till actual date of recovery. Copy of the same may also be forwarded to the Complainant/Decree Holder and

Respondent/Judgement Debtor. A format of Recovery Certificate addressed to District Collector is attached as **Annexure - 2**.

4. The Recovery Certificate of the recoverable/quantified amount shall be signed by the Secretary of the Authority.

5. The monitoring of the recovery shall be done as per the orders passed on the execution application.



Navreet Singh Kang
Chairperson,

Real Estate Regulatory Authority, Punjab

Encl. as above

APPLICATION FOR EXECUTION OF ORDER

Before the Real Estate Regulatory Authority, Punjab.

Execution Application No. _____ of 20__

IN THE MATTER OF

.....Applicant/Decree Holder

Versus

.....Respondent/Judgement Debtor

I....., Decree-holder/Applicant, hereby apply for execution of the order herein-below set forth: -

1. Complaint No.-

2. Name of Parties and addresses **Decree-Holder**

with mobile no. and e-mail

address if known

Mobile/LL Phone

E-mail Address

Judgement- Debtor.....

.....

.....

.....

Mobile/LL Phone.....

E-mail Address.....

3. Date of order & period within

which order was to be complied -

4. Whether any appeal has been preferred

against the order, if applicant has any

knowledge then the details thereof

5. Payment or adjustment made if -

any after order

6. Whether any part of order has already
been complied and if so, details there of
7. Previous execution application if -
any, with date and result thereof
8. Principal amount to be recovered-
9. Amount of interest accrued on principal
amount till filing of execution application.....
along with calculation sheet.
10. Amount of cost if any awarded -
11. Total amount to be recovered-
12. Mode in which assistance of Authority is
required for execution.
13. Details about property against which relief is prayed for
14. Details of Bank Accounts of Respondent/Judgement Debtor.....
15. Any other details which are required for effective execution.....
16. Details of Annexures (1).....
(Attached with the Application) (2).....
(3).....
and so on.

I,, the Applicant declare that the facts stated above are true and correct to the best of my knowledge and belief and nothing have been concealed therein.

Dated the day of 20.....

.....
[Signatures of Applicant]





Memo No. RERA/20___/Legal/_____

Dated: _____

To

The Deputy Commissioner cum District Collector,

_____ /

_____ /

_____ .

Sub: Recovery of due amount in proceedings under Section 40 of Real Estate (Regulation and Development) Act, 2016 as Arrears of Land Revenue.

With reference to the above subject please find enclosed a Recovery Certificate for Rs. _____ /- (_____ only) against M/s _____.

2. Briefly, the Respondent have failed to comply with directions passed vide order dated _____ by the Bench of Shri _____ in a complaint proceedings u/s 31 of the Real Estate (Regulation and Development) Act, 2016 bearing Complaint No. _____ titled as _____. Now, an Execution Application has been filed by the Decree Holder in the aforesaid case. A calculation of the due amount as on the date of execution application has been done, which comes to Rs. _____. As per the Execution Application, no appeal has been filed against the order dated _____.

3. Under Section 40 of the above Act, the recovery of interest, penalty or compensation etc. is recoverable from the defaulter as arrears of land revenue. Rule 24 of the Punjab State Real Estate (Regulation and Development) Rules 2017 also stipulates the same procedure.

4. You are requested to ensure recovery of the due amount i.e. _____ from the Judgement Debtors/Respondents as arrears of land revenue from the assets of the Judgement Debtors/Respondents.

Secretary
Real Estate Regulatory Authority
Punjab

Encl: As above



PUNJAB REAL ESTATE REGULATORY AUTHORITY

1st Floor, Plot No. 3, Block B, Madhya Marg, Sector 18A, Chandigarh

Website: www.rera.punjab.gov.in Email: help@rera.punjab.gov.in Telephone: 0172-5139800

Memo No. RERA/Pb. / 2022/Legal/_____

Date: _____

In the matter of Proceedings u/s 40 of the Real Estate (Regulation & Development) Act, 2016) – Execution Application No. ____ of 20____ in complaint bearing No. _____ of _____ - Date of Decision of Complaint – _____.

_____ **Complainant/Decree Holder/Applicant**

Versus

_____ **Respondent/Judgement Debtor**

To,

The Deputy Commissioner cum District Collector,

_____.

Sub: Certificate of Recovery of due amount in proceedings under Section 40 of the Real Estate (Regulation and Development) Act, 2016 as Arrears of Land Revenue.

This is to state that the respondent aforementioned have failed to comply with directions issued vide Order dated _____ (copy enclosed for perusal and reference) passed by the _____ (Authority or the Adjudicating Officer or the respective bench) for violating the provisions of the Real Estate (Regulation & Development) Act, 2016 whereupon it was ordered the Respondent to pay the following amount to the Complainant, now the Applicant/Decree-Holder.

01.	Principle Amount	
02.	Simple Interest	
03.	On account of litigation expenses/compensation	

The Respondent/JD were required to pay the aforementioned amount within sixty days from the date of issue of Order dated _____ but have failed to do so.

2. Consequently, upon filing of an Execution Application dated _____ filed by the Decree Holder, a calculation of the due amount has been done upto the date of execution i.e. _____, which comes to Rs. _____/- (Rupees _____ only). A detailed calculation thereof is attached herewith for your reference.

3. Therefore, under Section 40 of the Real Estate (Regulation and Development) Act, 2016 read with Rule 24 of the Punjab State Real Estate (Regulation and Development) Rules 2017, it is certified that an amount of Rs. _____/- (Rupees _____ only) be recovered from the Respondent/Judgement Debtor.

4. Thus, through this certificate you are hereby directed to get recover the aforementioned amount from the Respondent/Judgement Debtor as arrears of land revenue from the attached property of the Respondent as per law. The copies of Jamabandi/Farad of the project land/property of the Respondent/JD are enclosed herewith for your further necessary action.

5. You are also authorized to recover the further interest at the rate of _____ % (i.e. SBI MCLR on the date of execution) + 2%, on the principal amount, after the date of execution i.e. _____ till actual date of recovery.

Report be sent to the undersigned on or before _____.

Issued today this ____ day of _____, 20__ under my signatures & seal.

Secretary
Real Estate Regulatory Authority, Punjab.

- Encl: (i) Copy of Order passed by the Authority or the Adjudicating Officer or the respective Bench of the Authority
(ii) Copy of calculation sheet of recoverable amount
(iii) Copy of Jamabandi/Farad of the property of the Respondent/JD
(iv) Details of Bank Account of Judgement Debtor (if available)