

**REAL ESTATE REGULATORY AUTHORITY
HIMACHAL PRADESH**

**MA no. 46-B/2023.
in
Execution petition PET2023005**

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| Date & Time | 8 th November, 2023 at 11.00 AM |
| Execution Petition No. PET2023005 | Sh. Vipin Kumar Singal and another |
| Represented Through | Sh. Vishal Singhal , Ld. Advocate |
| Judgment Debtors | Ahlawat Developers and Promoters and others , Baddi |
| Judgment Debtor Represented through | Ms. Neha Gupta Ld. Counsel alongwith Sh. J.S. Ahlawat of M/s Ahlawat Developers and Promoters and others , Baddi |

ORDER

1. An application has been received through email on behalf of the JD. The said application is registered as MA No. 46-B/2023. By way of this application it was stated that the JD has preferred an appeal against the judgment dated 19.05.2023 before the HP Real Estate Appellate Tribunal

Haryana at Chandigarh which was listed on 06.10.2023 and further now listed on 31.10.2023. It was further stated that the DH has also preferred an appeal against the same order/judgment dated 19.05.2023 before the HP Real Estate Appellate Tribunal Chandigarh which was also listed on 05.10.2023 and further listed on 24.11.2023. On the basis of these submissions it was prayed that the present execution filed by the DH seeking execution of the final judgment be kept in abeyance till the pronouncement of the decision of the HP Real Estate Appellate Tribunal.

2. It was submitted on behalf of DH that the appeal preferred by the DH is not against the judgment passed by the RERA dated 19.05.2023 but the appeal is regarding the modification of the order/judgment in so far as the DH is seeking additional relief(s) in the appeal apart from the relief which have been granted by the Hon'ble Authority. Further it was submitted that there is no stay in favour of JD and therefore the execution proceedings cannot be stayed.
3. This Authority has heard both the sides and it is an admitted case of both the parties that they have preferred appeal against the order dated 19.05.2023. Since both the parties are dissatisfied with the order and have preferred an appeal before the Ld. Appellate Tribunal particularly the complainant/ DH has also preferred the appeal being dissatisfied with the order of this Authority therefore in the interest of judicial propriety and discipline order dated

19.05.2023 cannot be executed at this stage and in view of the pendency of appeal the proceedings are hereby dropped. The complainant is at liberty to approach this Authority after the outcome of the proceedings in the appeal by filing of fresh execution petition.

4. File be consigned to record room. All the pending applications if any are disposed of in aforesaid terms.

B.C. Badalia
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Member

SKAM
Dr. Shrikant Baldi
Chairperson