



# राजपत्र, हिमाचल प्रदेश

## हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

वीरवार, 03 दिसम्बर, 2020 / 12 मार्गशीर्ष, 1942

हिमाचल प्रदेश सरकार

आबकारी एवं कराधान विभाग

अधिसूचना संख्या: 72/2020-राज्य कर

शिमला-2, 02 दिसम्बर, 2020

सं० ई.एक्स.एन.-एफ.(10)-3/2020.—हिमाचल प्रदेश माल और सेवा कर अधिनियम, 2017 (2017 का 10) की धारा 164 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल, हिमाचल प्रदेश, परिषद् की सिफारिशों पर, हिमाचल प्रदेश माल और सेवा कर अधिनियम, 2017 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थातः—

**HIMACHAL PRADESH REAL ESTATE REGULATORY AUTHORITY  
(Adjudication of Execution Petition) Regulations, 2020**

NOTIFICATION

*Dated, the 02nd December, 2020*

**No.HP/RERA/General/Regulations/2020.—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 Real Estate Regulatory Authority, Himachal Pradesh hereby makes the following regulations:

- (i) These regulations may be called the Himachal Real Estate Regulatory Authority, (Adjudication of Execution Petition) Regulations No. 3 of 2020.
  - (ii) These regulations are meant to establish the procedures for filing and adjudication of execution petition (Section 51 and Order 21 Rule 10 of Code of Civil Procedure) relating to real estate projects, and all matters connected therewith or incidental thereto.
  - (iii) These regulations shall come into force from the date of their publication in the official gazette.
  - (iv) The Himachal Real Estate Regulatory Authority (Adjudication of Execution Petition) Regulations, 2020 shall apply to all matters falling within the jurisdiction of Real Estate Regulatory Authority, Himachal Pradesh as notified by the Government of Himachal *vide* Notification No. HSG-A (3)-1/ 2019 dated 16-12-2019 which comprises the entire area of the State of Himachal Pradesh.
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) “Authorized Officer” means the officer authorized by the Authority to enforce and execute the order(s)/ directions/ decree of the Authority passed from time to time;
  - (iii) “Authority” means the Real Estate Regulatory Authority, Himachal Pradesh.;
  - (iv) “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;
  - (v) “Decree” means the order, directions, decision etc. issued by the Authority;
  - (vi) “Decree-holder” means any person in whose favour a decree has been passed or an order capable of execution has been made;
  - (vii) “District” means the local limits of the jurisdiction of a Civil Court of original jurisdiction (hereinafter called a “District Court”), and includes the local limits of the ordinary original civil jurisdiction of a High Court;

- (viii) “Judgment-debtor” means any person against whom a decree has been passed or an order capable of execution has been made;
- (ix) “Order” means the formal expression of any decision/ directions of the Authority;
- (x) “Prescribed” means prescribed by rules;
- (xi) “Rules” means the Himachal Pradesh Real Estate Regulatory Authority (Regulation and Development) Rules, 2017 as amended from time to time;
- (xii) “Regulations” means the Himachal Pradesh Real Estate Regulatory Authority (Adjudication of Execution Petition) Regulations, 2020 as amended from time to time;
- (xiii) 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. As per Section 40(2) of the Real Estate (Regulation and Development) Act, 2016 read with Rule 22 of the Himachal Pradesh Real Estate (Regulation and Development Amendment) Rules, 2020 the orders passed by the Authority shall be enforced in the same manner as if it were a decree or an order, direction or decision passed/ made by a Civil Court. Section 40 of the Real Estate (Regulation and Development) Act, 2016 and Rule 22 of the Himachal Pradesh Real Estate (Regulation and Development Amendment) Rules, 2020 are reproduced as under:

**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 be, fails to pay any interest or penalty or compensation imposed on him, by the adjudicating officer or the Regulatory Authority or the Appellate Authority, as the case may be, under this Act or the rules and regulations made there under, it shall be recoverable from such promoter or allottee or real estate agent, in such matter 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 there under, 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 22- Recovery of interest, penalty and compensation and enforcement of order, direction or decision of Adjudicating Officer or the Authority or the Appellate Tribunal.”**

- (1) The recovery of the amounts due such as interest, penalty or compensation shall be recovered as arrears of land revenue in the manner provided under applicable local laws.
- (2) Every order, direction or decision passed/made by the Adjudicating Officer or the Authority or the Appellate Tribunal, as the case may be, under the Real Estate (Regulation and Development) Act, 2016 or rules and regulations made there under, shall be enforced by the Adjudicating Officer or the Authority or the Appellate Tribunal in the same manner as if it were a decree or an order, direction or decision passed/made by a Civil Court in a suit pending therein, and it shall be lawful for 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, direction or decision, to send such order, direction or decision to the Civil Court within the local limits of whose jurisdiction the real estate project is located to execute such order, direction or decision or to the Civil Court within the local limits of whose jurisdiction the person against whom the order, direction or decision is being issued, actually or voluntarily resides or carries on business or personally works for gain”.

**4. Filing of execution petitions:**—Section 40(1) of the Act of 2016 prescribes that for enforcing liability upon the promoter/allottee or a real estate agent with regard to payment of any interest or penalty imposed on him by the Authority, it is provided that the same shall be recoverable from that person as 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 performa (Form E1). It is provided under rule 22(1) of the said rules that *the recovery of the amounts due such as interest, penalty or compensation shall be recovered as arrears of land revenue in the manner provided under applicable local laws*. 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 Himachal Pradesh Land Revenue Act, 1954, so a recovery certificate to the Collector of the concerned district (Appendix-II) is to be issued by the Authority, as the case may be.

The second situation is with regard to enforcement of orders or directions passed by the Authority as provided under section 40(2) of the Act of 2016 read with Rule 22 of the Himachal Real Estate (Regulation and Development Amendment) Rules, 2020. The rule 22 (2) provides that, *“Every order, direction or decision passed/made by the Adjudicating Officer or the Authority or the Appellate Tribunal, as the case may be, under the Real Estate (Regulation and Development) Act, 2016 or rules and regulations made there under, shall be enforced by the Adjudicating Officer or the Authority or the Appellate Tribunal in the same manner as if it were a decree or an order, direction or decision passed/made by a Civil Court in a suit pending therein, and it shall be lawful for 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, direction or decision, to send such order, direction or decision to the Civil Court within the local limits of whose jurisdiction the real estate project is located to execute such order, direction or decision or to the Civil Court within the local limits of whose jurisdiction the person against whom the order, direction or decision is being issued, actually or voluntarily resides or carries on business or personally works for gain”*.

Thus, for enforcement of the orders and directions passed by 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:

**4.1** 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 petitioner 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 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 will send all communications to the petitioner 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. (Order 21 Rule 10 CPC)

**4.2** The execution petition shall be filed before the Authority 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 (Appendixes).

**4.3 (I)** The petition may be comprised of following:—

- (a) Index (Appendix III)
- (b) Brief facts (Appendix IV)
- (c) Proforma for execution as prescribed by the Authority (Form E1).
- (d) List of assets (movable or immovable) of the respondent/JD/company as well as its directors, if any by **decree holder** (Appendix V).
- (e) Calculation sheet of claim, if any, (Appendix VI)
- (f) Undertaking 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/directions that have to be executed) (VIII)
- (i) Self attested copy of the final order/decree

**(II)** The petition for execution should be in serial number.

**(III)** All the execution petitions should be filed as per the format given in the appendixes. The petition should be in accordance with given format after suitably modifying the same according to the facts of the case.

**4.4** 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 appendixes cited in the petition 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/decree and the statutory period to file appeal has expired or not.

**4.5** 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 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 for execution.

The execution petition may also be e-filed before this Authority under the prescribed “Form E1” after the process of e-filing is introduced by office of the Authority, which shall be governed by the same set of these regulations for the purpose of adjudication

**4.6** The Authorized officer shall prepare a register of the petitions received.

**4.7** The Authority shall consider the petition and upon finding a prima-facie case, may issue a notice to the respondent. The notice to the respondent shall be issued accordingly. 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.

**4.8** The notice to the respondent/judgment debtor shall be sent on registered email and registered phone number of the respondent available with the Authority in its database.

**4.9** 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 registered e-mail furnished to the Authority.

**4.10** 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 Authorized officer shall place the petition along with the reply received from the respondent before the Authority. The reply to the execution petition may also be e-filed before this Authority after the process of e-filing is introduced by office of the Authority, which shall be governed by the same set of these of regulations for the purpose of adjudication.

**4.11** 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.

**4.12** The reply of the respondent/Judgment Debtor shall be in the same format as prescribed for filing the petition. It may 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 alongwith evidence.
- (iii) Reply to the calculation sheet submitted by the petitioner
- (iv) Any other submission of the respondent.
- (v) Reply to the relief sought by the petitioner.
- (vi) An undertaking in support of assertions as well as documents filed with the reply.

**4.13** 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 depending upon facts and circumstances of the case.

**4.14** Every petition, application, reply, undertaking, annexures to petition or the reply etc. shall be legible, properly spaced and duly verified by the parties to the Execution petition.

5. The Authority can initiate suo moto execution proceedings for the recovery of refund, penalty, interest etc. For that purpose the Authority will issue the notice to the Judgment Debtor and follow the procedure given in this Regulation.

6. In case, any order or direction or decision to a person to pay certain amount passed by the Authority, and that person against whom such order/ directions etc. has been passed refuses/ denies

to pay that amount, then his movable property in execution of that order or decree as prescribed under Order 21 Rule 30 CPC (Appendix X) is liable to be attached by the Authority.

7. In case, any order or direction or decision to a person to put into possession the petitioner of a particular flat/building or commercial unit and who refuses to obey the same, the Authority may issue a warrant to give possession as per the provisions of Order 21 Rule 35 CPC (Appendix XI)

8. In case, any order or direction or decision for execution of decree by way of arrest and detention, the Authority 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)

9. In case, any order or direction or decision 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).

10. In case, any order or direction or decision to the judgment debtor prohibiting him from transferring and creating any charge over some property, the Authority can pass an order as per the provisions of Order 21 Rule 54 CPC (Appendix XV)

11. In case, any order or direction or decision to the judgment debtor to be complied with or for payment of certain amount to the decree holder, the Authority can pass an order under Order 21 Rule 41(2) CPC by giving a direction to file an Undertaking of his assets (Appendix XVI)

12. In case, anywhere the decree is for payment of money, the Authority 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)

13. In case, anywhere 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)

14. In case, where the order or direction issued by the Authority is not complied with for whatever reasons may be, then a certificate of non-satisfaction of decree along with a certificate of execution of decree transferred to an another court as per the provisions of Order 21 Rule 6 CPC (Appendix XIX) and a precept as per the provisions of Section 46 CPC (Appendix XX) can be issued.

15. Orders passed by the Authority upon hearing will ordinarily be recorded and communicated to both the parties.

16. The orders passed by the Authority shall be issued and signed by the Authorized Officer of the Authority.

17. The Authority reserves the right to make any amendment in the regulations as and when required.

**(Dr. SHRI KANT BALDI),**  
*Chairperson (on behalf of the Authority)*  
*Real Estate Regulatory Authority, Himachal Pradesh.*

**"Form: E1"****BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH****Proforma for Execution**

## APPLICATION FOR EXECUTION OF DECREE/ORDER/DIRECTIONS

I....., Decree-holder, hereby apply for execution of the order/directions herein-below setforth:—

Sl. No.	Particulars/ Details of the Case
1.	Complaint No.:—
2.	Name of Parties:—
3.	Date of final order & period within which order was to be complied:—
4.	Whether any appeal preferred from the date of decree, if applicant has knowledge, then full detail thereof:—
5.	Payment or adjustment made if any after order/ decree:—
6.	Previous execution application if any, with date and result thereof:-



7.	Recoverable amount with interest due upon the order:—
8.	Amount of cost if any awarded:—
9.	Against whom to be executed:—
10.	Mode in which the assistance is required.—
11.	Details of Annexures (attached with the Petition)
<p>I ....., declare that what is stated herein is true to the best of my knowledge and belief.</p> <p>Dated, the ..... day of ..... 20..... Signed.....</p> <p style="text-align: right;">Decree holder</p>	

**APPENDIX: II**

**BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH  
RECOVERY CERTIFICATE**

To,

The District Collector,

 District \_\_\_\_\_,  
 Himachal Pradesh.

Memo no.

Dated: \_\_/\_\_/\_\_\_\_

A sum of Rs. \_\_\_\_\_ is payable on account of refund/interest/penalty etc. by \_\_\_\_\_ son of \_\_\_\_\_

resident of \_\_\_\_\_ who is believed to be  
 \_\_\_\_\_ to have property consisting of  
 \_\_\_\_\_ at your District.

Subject to the provisions of the Himachal Pradesh Land Revenue Act, 1954, the said sum is recoverable by you as if it were arrears of land revenue which accrued in your own District and you are hereby directed to recover it and to remit in the account of the Authority, *i.e.* Himachal Pradesh Real Estate Regulatory Authority having details as “Himachal Pradesh Real Estate Regulatory Authority Fund” bearing account No. “39624498226”, in State Bank of India, H.P. Secretariat Branch, Shimla, having IFSC Code SBIN0050204, either by an account payee cheque or by way of bank draft or through RTGS/ NEFT for payment to the petitioner/ Decree Holder/ Authority.

Authorized Officer,  
 H.P. Real Estate Regulatory Authority.

Encl: Copy of order dated \_\_\_\_\_

### APPENDIX: III

### BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH

It should indicate page numbers in the execution petition. An illustration for the index is given below:

#### Index

**Applicant (name and address)**

**V/S**

**Respondent (Name and address)**

Page No.	Content
1-2	Proforma for execution as prescribed under Form E1.
3	Brief facts
4	Relief sought
5	Undertaking
6	Copy of Final Order/ Decree/ Directions
7	Annexures

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

Signatures of Decree-holder/Petitioner

**APPENDIX: IV****BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH****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 judgments 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.

**APPENDIX: V****BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH**

LIST OF ASSETS (MOVABLE OR IMMOVABLE) OF THE RESPONDENT/JD/COMPANY AS WELL AS ITS DIRECTORS, IF ANY BY DECREE HOLDER

A.B. ....Decree-holder

Versus

C.D. ....Judgment-debtor

I \_\_\_\_\_ of \_\_\_\_\_ state on Oath/solemn affirmation as follows:

1. Full name of Judgment Debtor \_\_\_\_\_(Block capitals)
2. Address details \_\_\_\_\_
3. The employment, trade or profession of the JD is that of \_\_\_\_\_  
Place of work \_\_\_\_\_

4. Present annual/monthly/weekly income, after paying income-tax (if any available with the Decree Holder) is as follows:—

- 
- (a) From employment, trade or profession Rs. \_\_\_\_\_
- (b) From other sources Rs. \_\_\_\_\_

5. The JD possesses 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)

Signatures of Decree Holder

\_\_\_\_\_

**Appendix: VI**

BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH

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

Date: .....

Signatures of Decree-holder

**BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH****UNDERTAKING**

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 Execution petition is pending before any other Authority, Court of Law 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 Authority.
4. The decree/order has been partly executed/ not been executed till date against the respondent.
5. A self-attested copy of AADHAR card of the deponent is annexed.

(DEPONENT/ DECREE HOLDER)

Verification:

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

Date: .....

Place: .....

(DEPONENT/ DECREE HOLDER)

\_\_\_\_\_

**BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH****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

\_\_\_\_\_

**APPENDIX: IX**

BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH

**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/o .....i.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.

Issued today this \_\_\_\_\_ day of \_\_\_\_\_, 2020 under my signatures & seal.

Authorized Officer,  
H.P. Real Estate Regulatory Authority.

BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH

**WARRANT OF ATTACHMENT FOR MOVABLE PROPERTY IN EXECUTION OF A  
DECREE FOR MONEY AS ORDERED BY THE AUTHORITY.**

(Title of the petition)

To

Whereas.....(Name of Respondent) was ordered by decree of this Authority passed on the day of ..... 20....., petition No. .... of 20....., to pay/ remit in the account of the petitioner/ Decree Holder \_\_\_\_\_ or Authority, *i.e.* Himachal Pradesh Real Estate Regulatory Authority having details as “Himachal Pradesh Real Estate Regulatory Authority Fund” bearing account no. “39624498226”, in State Bank of India, HP Secretariat Branch, Shimla, 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 of .....as 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.

Schedule of the Property

Issued today this \_\_\_\_\_ day of \_\_\_\_\_, 2020 under my signatures & seal.

Authorized Officer,  
H.P. Real Estate Regulatory Authority.

Decree/ Order			
Principal/ Refund			
Interest			
Costs			
Penalty			
Cost of execution			
Further interest			
Total			

**APPENDIX: XI**

BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH

**WARRANT OF AUTHORIZATION TO GIVE POSSESSION OF LAND, ETC.**

(O. 21, R. 35 CPC)  
(Title of the petition)

To

\_\_\_\_\_.

Whereas the under mentioned property is in the occupancy of . . . . .son of . . . . .resident of . . . . .and has been decreed to be given possession to . . . . .son of . . . . .resident 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, this . . . . .day . . . . .20\_\_

Schedule of the Property to be given possession.

.....  
.....

Issued today this \_\_\_\_\_ day of \_\_\_\_\_, 2020 under my signatures & seal.

Authorized Officer,  
H.P. Real Estate Regulatory Authority.



**BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH****WARRANT OF ARREST IN EXECUTION**

(O. 21, R. 38 CPC)  
(Title of the petition)

To

Superintendent of Police/Station House Officer/ Concerned Police Officer.

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 or/ and to Authority 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.

Issued today this \_\_\_\_\_ day of \_\_\_\_\_, 2020 under my signatures & seal.

Authorized Officer,  
H.P. Real Estate Regulatory Authority.

Decree/ Order			
Principal/ Refund			
Interest			
Costs			
Penalty			
Execution			
Total			

**BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH****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 of .....resident 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.

Issued today this \_\_\_\_\_ day of \_\_\_\_\_, 2020 under my signatures & seal.

Authorized Officer,  
H.P. Real Estate Regulatory Authority.

**APPENDIX: XIV**

BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH

**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 ..... ( on grounds as specified)

Dated. ....

Authorized Officer,  
H.P. Real Estate Regulatory Authority.

**BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH****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.

Issued today this \_\_\_\_\_ day of \_\_\_\_\_, 2020 under my signatures & seal.

Sd/-  
Authorized Officer,  
H.P. Real Estate Regulatory Authority.

Schedule of the Property

.....

\_\_\_\_\_

APPENDIX: XVI

**BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH****UNDERTAKING 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 dependent upon me:—
5. My employment, trade or profession is that of carried on by me at
6. I am a director of the following companies:—
7. 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.
8. (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. . . . . .

9. I possess the following:—

Banking accounts;  
Stocks and shares;

(a) Life and endowment policies; give particulars.

(b) House property;

(c) Other property;

(d) Other securities;

10. The following debts are due to me:— (give particulars)

(a) \_\_\_\_\_

(b) \_\_\_\_\_

(Judgment Debtor)

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

Date: .....

Place: .....

(Judgment Debtor)

**BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH**  
**WARRANT OF SALE OF PROPERTY IN EXECUTION OF A DECREE FOR MONEY**

(O. 21, R. 66 CPC)

(Title of the petition)

To

\_\_\_\_\_.

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.

Issued today this \_\_\_\_\_ day of \_\_\_\_\_, 2020 under my signatures & seal.

Schedule of Property to be auctioned

.....  
 .....

Sd/-  
 Authorized Officer,  
 H.P. Real Estate Regulatory Authority.

\_\_\_\_\_

APPENDIX: XVIII/I

**BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH**  
**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 informed .....that the .....day of ..... 20\_\_\_, has been affixed for settling the terms of the proclamation of sale.

Issued today this \_\_\_\_\_ day of \_\_\_\_\_, 2020 under my signatures & seal.

Sd/-  
Authorized Officer,  
H.P. Real Estate Regulatory Authority.

APPENDIX: XVII/II

**BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH**

**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 and .....son of .....was 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:—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, misstatement or omission in this proclamation.

1. 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 upto auction.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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 claims to the property or to any part of the sum for which it may be subsequently sold.

(i) Schedule of Property/ Details

.....  
.....

(ii) No. of Plots.

.....

(iii) Description of property to be sold, with the name 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 stated by the decree holder.

.....

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

Issued today this \_\_\_\_\_ day of \_\_\_\_\_, 2020 under my signatures & seal.

Sd/-  
Authorized Officer,  
H.P. Real Estate Regulatory Authority.

**APPENDIX: XVII/III**

**BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH**

**ORDER FOR CAUSING SERVICE OF PROCLAMATION OF SALE**

(O. 21, R. 66 CPC)  
(Title of the petition)

To

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 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.

.....

.....

Sd/-  
Authorized Officer,  
H.P. Real Estate Regulatory Authority.

**Appendix: XVIII**

**BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH**

**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 of .....now in your possession. You are hereby prohibited from delivering possession of the said property ..... to any person except the said.....

Issued today this \_\_\_\_\_ day of \_\_\_\_\_, 2020 under my signatures & seal.

Schedule of the Property

.....

.....

Sd/-  
Authorized Officer,  
H.P. Real Estate Regulatory Authority.

APPENDIX: XIX

**BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH**

**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..... at .....for 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/-  
Authorized Officer,  
H.P. Real Estate Regulatory Authority.

BEFORE THE REAL ESTATE REGULATORY AUTHORITY, HIMACHAL PRADESH

**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/-  
Authorized Officer,  
H.P. Real Estate Regulatory Authority.