



REAL ESTATE REGULATORY AUTHORITY (RERA)
IN THE COURT OF ADJUDICATING OFFICER
4TH & 6TH FLOOR, BIHAR STATE BUILDING CONSTRUCTION CORPORATION CAMPUS
HOSPITAL ROAD, SHASTRI NAGAR
PATNA-800023

RERA/Execution Case No. 06/2021

RERA/CC/161/2018

RERA/AO/21/2018

Sri Achal Kumar Complainant/Executant
Vs
M/s Agrani Homes Pvt Ltd. Respondent

Project: I.O.B. NAGAR, SARARI, DANAPUR, PATNA

ORDER

19/12 /2022:

Hearing taken up. The Executant is present in person, but the respondent is absent.

The executant has filed this execution case for execution of the order dated 04.11.2020 passed in Case No.RERA/CC/161/2018/RERA/AO/21/2018 by which this Court has been pleased to allow the complaint case on contest with litigation cost of Rs.25,000/- (Twenty-five thousand) against the respondents and the respondents were directed to pay accrued simple interest @ 9.3% per annum on the principal amount of Rs.15.00 lacs since the respective date of payment by the executant to the respondent till refund by the respondents to the executant. The respondents were further directed to pay Rs. 2,85,000/- (Rupees two lacs eighty five thousand only) as compensation to the executant for his economical, mental and physical harassment. The respondents were also directed to comply with the order within 60 (sixty) days, failing which the complainant/executant may get enforced the order through the process of the court.

The executant submits that when the respondent did not comply with the aforesaid order within the stipulated period then the executant has no other option but to file this execution case. He further submits that the respondent is not ready to comply with the order dated 04.11.2020 passed in Case No. RERA/CC/161/2018/ RERA/AO/21/2018 and prays to send requisition to the District Magistrate, Patna for recovery under the P.D.R. Act.

It is pertinent to mention here that on 28.11.2022 when the matter was taken up, the complainant submitted that he has already got the principal amount but the interest and compensation is still due.

Perused the records. From perusal of the record it appears that in spite of knowledge of the above order dated 04.11.2020 neither the respondents have fully complied with the order nor appeared to reply on the petition of the executant, hence for equity of justice the Bench has no other option but to provide relief to the executant as he cannot be left to suffer for an indefinite period.

Therefore, the execution petition of the executant is allowed and Public Demand Recovery be issued under Section 40(1) of the RERA Act, 2016 read with Rule 25 of the Bihar Real Estate (Regulation and Development) Rules, 2017 and also read with section 4/5 of the Bihar and Orissa Public Demand Recovery Act, 1914 with a copy to the executant and send the same to the District Magistrate, Patna for recovery of the interest accrued on principal amount as also the litigation cost and compensation amount against the respondents.

Accordingly, the execution case is disposed of.

Sd/-

(Ambrish Kumar Tiwari)
Adjudicating Officer