



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.134/2021

RERA/CC/1465/2020

RERA/AO/457/2020

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

Project: I.O.C. NAGAR, SHIWALA

ORDER

29/01 /2024:

Hearing taken up. Heard Mr. Neeraj Kumar learned counsel for the executant, but there is no representation on behalf of the respondent.

2. The executant has filed this case for execution of the order dated 12.02.2021 passed in Case No. RERA/CC/1465/2020/RERA/AO/457/2020 by which this Court has been pleased to allow the complaint case on contest with litigation cost of Rs.15,000/- (Rupees fifteen thousand only) against the respondents and the respondents were directed to refund the advanced principal amount of Rs. 3,10,000/- along with accrued simple interest @ 9.3% per annum thereon since the respective date of payment by the executant to the respondent till actual date of refund by the respondents to the executant. The respondents were further directed to pay Rs. 50,000/- (Rupees fifty thousand only) as compensation to the executant for his economical, physical and mental 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.

3. Learned counsel for 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 12.02.2021 passed in Case No. RERA/CC/1465/2020/RERA/AO/457/2020 and prays to send requisition to the District Magistrate, Patna for recovery under the P.D.R. Act.

4. As directed, learned counsel for the executant files a copy of the certified copy of the order impugned. Let the same be kept on record.

5. Perused the records and from perusal of which it appears that in spite of knowledge of the above order dated 12.02.2021 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.

6. Therefore, the execution petition of the executant is allowed and Public Demand Recovery Certificate 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 aforesaid advanced principal amount along with interest accrued on principal amount as also the litigation costs and compensation amount against the respondents.

Accordingly, the execution case is disposed of.

Sd/-

(Ambrish Kumar Tiwari)
Adjudicating Officer