



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.241/2022

RERA/CC/1729/2020

Anuradha Jha Complainant/Executant
Vs
M/s Kanishka Buildcon Pvt. Ltd. Respondent

Project: VIDYNAND MAHESHWARI COMPLEX, BLOCK-E

ORDER

02/02/2024:

Hearing taken up. Heard Mr. Rakesh Ranjan, learned counsel for the executant and Ms. Riffat Fattima, learned counsel for the respondent.

2. The executant has filed this case for execution of the order dated 01.10.2021 passed in Case No. RERA/CC/1729/2022 by a Double Bench of the Authority comprising of Mr. Naveen Verma, Chairman and Mrs. Nupur Banerjee, Member, whereby the Double Bench of the Authority after considering the documents filed and submissions made while disposing of the case, was pleased to direct the respondent-company to refund the entire principal amount of Rs.18,00,000/- (Rupees eighteen lacs only) to the executant along with interest on Rs. 18,00,000/- at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years from the date of receiving the payment within sixty days of the issue of the order.

3. Learned counsel for the executant submits that when the respondent did not comply with the aforesaid order within the stipulated period and the exercise of amicable settlement has also failed then the executant has

no other option but to file this execution case. It is further submitted that the respondent is not ready to comply with the order dated 01.10.2021 passed in Case No. RERA/CC/1729/2020 and prays to send requisition to the District Magistrate, Patna for recovery under the P.D.R. Act.

4. On 01.12.2023 a petition has been filed by learned counsel for the executant enclosing the photo copy of certified copy of the order impugned along with the calculation chart relating to the claim of the executant.

5. Perused the records and from perusal of which it appears that in spite of knowledge of the above order dated 01.10.2021 the respondents have not complied with the order though learned counsel for the respondent has appeared but no reply has been filed to the petition of the executant, hence for equity of justice the Bench has no other option but to provide relief to the executant as she 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 Demands Recovery Act, 1914 with a copy to the executants and send the same to the District Magistrate, Patna for recovery of the above principal amount along with interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years from the date of receiving the payment against the respondents.

Accordingly, the execution case is disposed of.

Sd/-

(Amrish Kumar Tiwari)
Adjudicating Officer