



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.91/2023

RERA/CC/1797/2020

RERA/AO/626/2020

Mr. Sardar Manikant Complainant/Executant
Vs
M/s S.D. Construction and Developers Pvt. Ltd.Respondent

Project: SRI GANESH TOWNSHIP DUPLEX BUNGLOW

ORDER

08/02/2024:

Hearing taken up. Heard the executant is present in person and Mr. Rajesh Kumar, learned counsel appears for the respondent.

2. The executant has filed this execution case for execution of the order dated 10.06.2021 passed in Case No. RERA/CC/1797/2020/RERA/AO/626/2020 by which this Court has been pleased to allow the complaint case on contest with litigation cost of Rs.15,000/- (Rupees fifteen thousand) against the respondents and the respondents were directed to refund the principal amount of Rs.7,00,000/- (Rupees seven lacs only) to the executant along with accrued simple interest @ 9.30% per annum thereon since the date of payment of respective amount by the executant to the respondent till refund of said amount by the respondents to the executant. The respondents were further directed to refund 57,500/- (Rupees fifty-seven thousand five hundred only) to the executant which he has expensed on Stamp Duty and Challan etc. The respondents were further directed to pay Rs.85,000/- (Rupees eighty-five thousand only) to the executant as compensation 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 is entitled to get enforced the order through the process of the court.

3. The executant submits that when the respondent did not comply with the aforesaid order within the stipulated period then he 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 10.06.2021 passed in Case No. RERA/CC/1797/2020/RERA/AO/626/2020 and prays to send requisition to the District Magistrate, Patna for recovery under the P.D.R. Act.

4. The executant files a petition enclosing therewith the calculation chart relating to his claim. Let it 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 10.06.2021 the respondents have neither complied with the order though he has entered appearance through learned counsel nor any reply has been filed 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 above principal amount along with interest accrued on principal amount including the amount which he has expensed on Stamp Duty and Challan as also the litigation cost and compensation against the respondents.

Accordingly, the execution case is disposed of.

Sd/-

(Amrish Kumar Tiwari)
Adjudicating Officer