



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. 158/2021

RERA/CC/348/2019

RERA/AO/69/2019

Mr. Rajesh Kumar Jha Executant
Vs
M/s Agrani Homes Real Marketing Pvt Ltd.Respondent

Project: AGRANI P.G. TOWN

ORDER

19/12 /2022:

Hearing taken up. Mr. Amit Singh, learned counsel appears for the executant, but the respondent is absent.

The executant has filed this case for execution of the order dated 25.06.2021 passed in Case No.RERA/CC/348/2019/RERA/AO/69/2019 by which this Court has been pleased to allow the complaint case on contest with litigation cost of Rs.17,000/- (Seventeen thousand) against the respondents and the respondents were directed to refund the remaining principal amount of Rs.1,50,000/- (Rupees one lac fifty thousand) or whatever the amount is due to the executant along with accrued simple interest @ 9.20% per annum on the total paid principal amount of Rs.16.00 lacs since the date of payment of respective amounts by the complainants to the respondents till the date of refund of said amount by the respondents to the executants. The respondent were further directed to pay Rs.50,000/- (Rupees fifty thousand only) to the executants as compensation for his economical, physical and mental harassment. The respondents were also directed to comply the order within 60 (sixty) days, failing

which the complainant/executant is entitled to 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 he has no other option but to file this execution case. He submits that the respondents are not ready to comply with the order dated 25.06.2021 passed in Case No. RERA/CC/348/2019/RERA/AO/69/2019 and further submits to send requisition to the District Magistrate, Patna for recovery under the P.D.R. Act.

Perused the records. From perusal of the record it appears that in spite of knowledge of the above order dated 25.06.2021 neither the respondents have complied with the order nor appeared to reply on the petition of the executant, hence for equity of justice 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 above principal amount along with interest accrued on principal amount as also the litigation cost and compensation against the respondents.

Accordingly, the execution case is disposed of.

Sd/-
(Ambrish Kumar Tiwari)
Adjudicating Officer