



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

RERA/Execution Case No. 45/2020

RERA/CC/367/2019

RERA/AO/74/2019

Dr, Sanjay Kumar                      .....                      .....Complainant/Executant

Vs

M/s Agrani Homes Pvt. Ltd.                      .....                      .....Respondent

**Project: I.O.B. NAGAR, MAIN PHASE**

**ORDER**

**13/03 /2023:**

Hearing taken up. Heard the executant in person, but there is no representation on behalf of the respondent.

The executant has filed this case for execution of the order dated 27.11.2019 passed in Case No. RERA/CC/367/2019/RERA/AO/74/2019 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.10,30,000/- (Rupees ten lacs thirty thousand only) to the executant with accrued simple interest @ 10.25% per annum since respective date of payment by the executant to the respondents till actual date of refund by the respondents to the executant. The respondents were further directed to pay compensation for the mental and physical harassment of the complainant in the form of house rent @ Rs.5,000/- (Rupees five thousand only) per month to the executant till refund of advanced principal amount of Rs.10,30,000/- (Rupees ten lacs thirty thousand only) and the respondents were also directed to pay enhanced house rent @ 10% per annum on revised amount of rent in each and every subsequent years since January, 2016. 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.

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. He further submits that the respondent is not ready to comply with the order dated 27.11.2019 passed in Case No. RERA/CC/367/2019/RERA/AO/74/2019 and prays to send requisition to the District Magistrate, Patna for recovery under the P.D.R. Act.

The executant has also filed a petition (kept on record) stating therein that he **has been paid Rs.5,00,000/- (Rupees five lacs only)** by the RERA vide order dated 29.03.2021 on behalf of M/S Agrani Homes Pvt. Ltd, Patna. Along with the petition he has also enclosed a calculation chart.

Perused the records. From perusal of the record it appears that in spite of knowledge of the above order dated 27.11.2019 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 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**