

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

RERA/CC-78/2018; Ex. Case No. 34/2019 RERA/CC-

79/2018; Ex. Case No. 35/2019

Shyam Kumar Agrawal/ Suparna Banerjee..... Executants

Vs

M/s Agrani Homes Pvt. Ltd. Respondent

01/03/2023

ORDER

The matter was last heard 14-10-2022 and fixed for order on 01-12-2022 but the order couldn't have pronounced on the date fixed due to preoccupation of the Authority on the other matters.

The present execution petitions were filed for the non-compliance of the order dated 04-02-2019 passed in complaint case nos. CC/78/2018 & 79/2018.

Perused the record of the case. The respondent has filed its objection petition challenging the maintainability of the present execution petition on the ground that the project is not registered with the Authority. In response to the objection petition, executants filed their rejoinder stating that the execution petition is maintainable and further refer sections 3 and 31 of the Act to elaborate their submissions.

After the perusal of the records and considering the submissions of the parties, the Bench observes that the issue of maintainability has been raised by the respondent at the time when the complaint petition was heard. Moreover, there is no documents placed by the respondent from which it appears that the respondent has filed any appeal challenging the order of the Authority.

The Bench further observes that despite opportunities given, till date, the respondent has not complied the order of the Authority. Hence, the office is directed to send requisition to the District Magistrate, Patna for recovery of the interest amount accrued as the order passed in complaint case nos. CC/78/2018 & 79/2018 under the provision of Bihar and Orissa Public Demand Recovery Act, 1914, under section 40(1) of RERA Act, read with

Rule 25 of the Bihar RERA Rules.

With the above observations and directions, this execution petitions are disposed of accordingly.

Sd/-
Nupur Banerjee
Member