



REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Hon'ble Chairman, Mr. Vivek Kumar Singh,

RERA, Bihar

RERA/Exe./127/2024

RERA/CC/72/2021

RERA/AO/45/2021

Umesh Prasad Yadav

..... Complainant

Vs.

M/S Agrani Homes Real Marketing Pvt. Ltd.

..... Respondent

For the complainant: Mr. Istiyak Hussain, Adv.

For the Respondent: Absent

Project:—PG TOWN

ORDER

08.08.2024

1. Mr. Istiyak Hussain, advocate appears on behalf of the complainant. The respondent is absent.

2. This execution case has been filed for compliance of the order dated 29-05-2023 passed in RERA/CC/72/2021 RERA/AO/45/2021, in which the Authority had directed the respondent company and its directors to refund the principal amount of Rs. 10,00,000/- to the complainant/executant along with an interest at 2% above marginal cost of fund-based lending rate (MCLR) of the State Bank of India (as applicable) on the date on which the amount becomes due till the date of payment, within sixty days of issuance of order and respondent has failed to comply the directions of the Authority till date.

3. During the course of hearing, the learned counsel for complainant reiterated the pleadings made vis-à-vis the execution of the order dated 29-05-2023.

4. Perused the record. The respondent has failed to file any reply or appear before the Authority despite several opportunities.

5. The Authority observes that despite knowledge of the order in the said complaint case, the respondent has neither complied with the order, nor has filed any reply, nor appeared in the case. Hence, for equity and justice, the Authority is compelled to pass an order for the recovery of the said amount, as the respondent cannot be allowed to prolong the matter indefinitely.

6. The Authority directs that in order to recover the amount mentioned in the order dated 29-05-2023, a certificate of 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 Section 4/5 of the Bihar and Orissa Public Demand Recovery Act, 1914.

7. In view of the continued non-compliance of the order of the Authority, a penalty of Rs. 50,000/- is being imposed on the respondent by the Authority under Section 63 of the Act, which may be recovered through a certificate along with the aforesaid amount.

8. A copy of the order be sent to the Collector, Patna, for recovery of the aforesaid amounts.

Accordingly, this matter stands disposed of.

Sd/-

Vivek Kumar Singh
Chairman