

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Full Bench of Hon'ble Chairman Mr. Vivek Kumar Singh & Hon'ble
Members Mrs. Nupur Banerjee & Mr. S.D. Jha, RERA, Bihar.**

**RERA/Exe.Case/275/2023
RERA/CC/174/2022**

Dr. Kumud Kamini

...Complainant/Executant

Vs

M/s Shital Ingicon Pvt. Ltd.

...Respondent

Projects: Shital Ingicon

**Present: For Complainants: Mr. Deepak Kumar, Advocate
For Respondents: Mr. Praveen Kumar, Advocate**

26/06/2024

ORDER

Hearing taken up. Both parties are present through their respective learned counsel.

The executant has filed the present execution case for compliance with the order dated 11.04.2023 passed in RERA/CC/174/2022, in which the Authority directed the respondent company and its directors to refund the principal amount of Rs. 1.53 crore to the complainant/executant along with interest at the marginal cost of fund-based lending rate (MCLR) of the State Bank of India as applicable for three years plus 2% interest from the date of booking to the date of refund, within sixty days of issuance of the order.

The learned counsel for the executant submits that the complainant has not received any amount to date. He submits that, vide proceeding dated 28.03.2024, the respondent was categorically informed that he could file any stay order against the said order or bring on record the stay order, which has not been done by the respondent.

As the respondent has failed to comply with the direction of the Authority, a penalty of Rs. 50,000/- is being imposed on the respondent as per Section 63 of the Act. The respondent is directed to pay the penalty amount within a month. In case of non-compliance, appropriate action will be taken as per the Act.

Send a copy of this order to the compliance wing, RERA Bihar to ensure necessary compliance.

The learned counsel for the respondent reiterates that this case is not maintainable, which is not accepted because such issues were to be raised during the proceedings for the original order, as the respondent has neither filed any appeal nor brought on record any stay order. Therefore, the Authority is left with no option but to refer this case for PDR.

The Authority observes that despite knowledge of the order in the said complaint case, the respondent has neither complied with the order nor filed any reply. 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.

Therefore, the Authority directs that a 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, and a copy be sent to the Collector, Patna for recovery of the aforesaid amount along with interest as ordered by the Single Bench for the period of default until the payment is made.

Accordingly, this matter stands disposed of.

Sd/-
S.D. Jha
Member

Sd/-
Nupur Banerjee
Member

Sd/-
Vivek Kumar Singh
Chairman