



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.276/2022

RERA/CC/1017/2020

Nilima Sinha and Mr. Ashok Kumar Sinha..... Complainant/Executant
Vs
M/s Agrani Homes Pvt. Ltd. Respondent

Project: I.O.B. MAIN

ORDER

21/12/2023:

Hearing taken up. Heard Mr. Ishtiyaque Hussain, learned counsel for the executant, but there is no representation on behalf of the respondent.

2. The executant has filed this case for execution of the order dated 23.05.2022 passed in Case No. RERA/CC/1017/2020 by a Single Bench of the Authority comprising of Mr. Naveen Verma, Chairman, whereby the Single Bench of the Authority after considering the documents filed and submissions made by both the parties, while disposing of the case, was pleased to direct the respondent-company and their Directors to refund the principal amount of Rs.15,00,000/- (Rupees fifteen lacs only) to the executant along with interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus three percent from the date of taking the booking to the date of refund within sixty days of the issue of the order.

3. Learned counsel for 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 23.05.2022 passed in Case No. RERA/CC/1017/2020 and prays to send requisition to the District Magistrate, Patna for recovery under the P.D.R. Act.

4. Learned counsel for the executant files the details of calculation enclosing the certified copy of the order dated 23.05.2022 passed in Case No. RERA/CC/1017/2020. Let the same be kept on record.

5. Perused the records and from perusal of which it appears that in spite of knowledge of the above order dated 23.05.2022 the respondents have not 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 they cannot be left to suffer for an indefinite period.

6. Therefore, the execution petition of the executant is allowed and Public Demand Recovery Certificate 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 Demands Recovery Act, 1914 with a copy to the executants and send the same to the District Magistrate, Patna for recovery of the above principal amount along with interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus three percent from the date of taking the booking till repayment against the respondents.

Accordingly, the execution case is disposed of.

Sd/-

(Ambrish Kumar Tiwari)
Adjudicating Officer