

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/286/2023
RERA/CC/62/2021**

Archana Agrawal & Sushila Devi

...Complainant/ Executant

Vs

M/s Nissaa Realtors Pvt. Ltd.

...Respondent

Projects: Ghar Apna

Present: For Complainants: Ms. Kriti Suman, Advocate

For Respondents: None

26/06/2024

ORDER

Hearing taken up. Ms. Kriti Suman, Advocate, appears on behalf of the complainant. The respondent is absent.

The executant has filed the present execution case for compliance with the order dated 10.10.2022 passed in RERA/CC/62/2021, in which the Authority directed the respondent company and its directors to refund the principal amount of Rs. 20.00 lakh 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 or more plus 6% interest from the date of booking until 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. The learned counsel for the respondent was directed to file a reply within 15 days via the proceeding dated 12.06.2024, but he has neither filed any reply nor appeared today in court. Hence, a penalty of Rs. 50,000/- is imposed on the respondent for violation of the order passed by the Authority under Section 63 of the Act, which must be paid before 16th July 2024, with intimation to the Authority. In case of non-compliance with this direction, 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 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