

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/383/2023
RERA/CC/695/2021**

Chandramohan Dubey

...Complainant/ Executant

Vs

M/s Realize Realcon Pvt. Ltd.

...Respondent

Projects: Realize Green Exotica

Present: For Complainants: Mr. Sharad Shekhar, Advocate

For Respondents: None

26/06/2024

ORDER

Hearing taken up. Mr. Sharad Shekhar, Advocate, appears on behalf of the complainant. None appears on behalf of the respondent.

The executant has filed the present execution case for compliance with the order dated 18.05.2023 passed in RERA/CC/695/2021, in which the Authority directed the respondent company and its Director, Mr. Shailendra Kumar Giri, and Executive Director, Mr. Rohitesh Kumar Giri, to refund the principal amount of Rs. 39,84,016/- to the complainant/executant along with interest within sixty days of issuance of this order. The rate of interest payable by the promoter shall be at two percent above the prevalent Prime Lending Rates (MCLR) of the State Bank of India from the date the amount becomes due until the date of payment.

The learned counsel for the executant submits that the complainant has not received any amount to date and is in urgent need of money; therefore, a direction may be issued for compliance with the aforesaid order.

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 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, 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.

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