

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

Case No. CC/1085/2021

Sabita Kumari **Complainant**

Vs

M/s Agrani Homes Pvt. Ltd. **Respondent**

Project: IOB Nagar, Block-K

Present: For Complainant: Husband of complainant

For Respondent : None

14/07/2022

ORDER

Hearing taken up. The complainant is present. The respondent is absent.

The husband of the complainant submits that he booked a flat in IOB Nagar, Block-K 11 years back and paid Rs.17.41 lakh. He submits that we got an order for refunded with interest from the court of A.O. but till date no money has been refund by the respondent, hence, he filed present case before the Authority for seeking relief to issue recovery certificate under section 40 of the RERA Act, 2016. He further submits that respondent has taken money from the various allottees and not refunding the amount, hence, some actions must be taken against the respondent company.

It appears from the record of the case that against present complainant on the same issue already an order was passed by the Bench of Adjudicating Officer on 11-11-2019. Hence, considering that order is already passed, the Bench observes that same issue cannot be decided again and bar by the principle of *res-judicata*. Therefore, the complainant, if so advised, may file an execution case before the Adjudicating Officer for the execution of order under section 40 of the Act.

In the light of above observation, this complaint is disposed of accordingly.

Sd/-

Nupur Banerjee
Member