

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Single Bench of Mrs. Nupur Banerjee**

**Ex. Case No. 07/2022; RERA/CC/261/2021**

**Sidhanshu Raj Karn .....Complainant**

**Vs**

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

**Present: For Complainant: In person**

**For Respondent: Mr. Sumit Kumar, Advocate**

**14/10/2022**

**PROCEEDING**

Hearing taken up. Both the parties are present.

The complainant reiterates the order dated 03-12-2021 and further submits that till date the respondent has not complied the direction of the Authority. He further submits an application praying to issue recovery certificate under section 40(1) of RERA Act, read with Rule 25 of the Bihar RERA Rules and also prayed to defer the last direction given for issuance of notice under O.21, R.37 of Civil Code Procedure, 1908 read with Section 40 of the Real Estate (Regulation and Development) Act, 2016 & Rule 26 of Bihar Real Estate (Regulation and Development) Rules, 2017.

Learned counsel for respondent submits the respondent is going through financial crisis.

The Bench notes the submission of complainant and observes that the order for issuance of notice under O.21, R.37 of Civil Code Procedure, 1908 read with Section 40 of the Real Estate (Regulation and Development) Act, 2016 & Rule 26 of Bihar Real Estate (Regulation and Development) Rules, 2017 is deferred as prayed by complainant.

The Bench also observes that respondent cannot be escaped from liability to refund the amount by simply taking the plea that respondent is going through financial crisis as they had taken money from the complainant to discharge certain obligation. Since, they had not performed the obligation order for refund has been passed and for non compliance of order, this execution petition has been filed.

The Bench directs office to send requisition to the District Magistrate, Patna to issue recovery certificate under the provision of Bihar and Orissa Public Demand Recovery Act, 1914, under section 40(1) of RERA Act, read with Rule 25 of the Bihar RERA Rules 2017.

This execution petition is disposed of accordingly.

Sd/-

Nupur Banerjee  
Member