

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

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

**Ex. Case No. 11/2022, 13/2022, 14/2022, 16/2022**

**Neelam Pathak/ Smita Kumari/ Bharat Lal Singh/ Mohammad  
Shaze.....Complainants**

**Vs**

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

**.....Respondent**

**Present: For Complainant: None**

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

**14/10/2022**

**PROCEEDING**

Hearing taken up. The complainants are absent. The respondent is represented by Mr. Sumit Kumar, Advocate.

Learned counsel for the respondent submits that the Managing Director of the respondent company is in jail. He further prays to send these cases for PDR.

The Bench observes that these execution petitions are filed for the non compliance of order passed in complaint cases wherein the respondent was directed to refund the amount along with interest. It appears that direction to send a 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 is already given during the course of proceeding on 22-07-2022. It also appears that due to typographical error a direction 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 also given against respondent. Hence, considering that direction for issuance of recovery certificate is already given, 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.

The Bench directs office to send requisition to the District Magistrate, Patna in all these cases 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.

These execution petitions are disposed of accordingly.

Sd/-

Nupur Banerjee  
Member