

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

Ex. Case No. 12/2021

Jay Prakash KumarComplainant

Vs

M/s DPM Infrastructure & Housing Pvt. Ltd.....Respondent

Present: For Complainant: None

For Respondent: None

14/10/2022

PROCEEDING

Hearing taken up. Both the parties are absent.

The Bench observes that this execution petition is filed for the non compliance of order dated 31-12-2020 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 10-06-2022. It also appears that a notice to show cause 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 was issued against the respondent and one of the director Mr. Khumd Singh appeared and submitted their explanation but Mr. Pankaj Kumar, another director has not appeared and a direction for issuance of warrant under O.21, R.38 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 was given against respondent but considering that direction for issuance of recovery certificate is already given, the order for issuance of notice under O.21, R.38 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, was given due to mistake and is deferred.

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**