

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mr. Naveen Verma, Chairman

Ex. Case No.-203/2021

RERA/CC/1549/2020

Pramod Kumar

.... Executant

Vs

M/s Agrani Homes Real Marketing Pvt. Ltd.

.....Respondent

Project: Agrani PG Town

12.10.2022

ORDER

The matter was last heard on 26-09-2022.

The executant has filed the execution case to execute the order dated 17-02-2022 in complaint case no. CC/1549/2020. The executant has filed interest calculation sheet for Rs. 3,96,061.64/-

The respondent has filed reply stating therein that why immovable property of the proposed project, SBI Nagar at village Dhawalpura, Patna should not be attached and auctioned if they do not give list of the movable property including vehicles. He has stated that in the project SBI Nagar right and interest have been accrued in favor of more or less 100 allottees who are interested to handover the project to some new promoter for its completion and from the said project the respondent may generate considerable amount for discharging the liabilities of other allottees of other project. He has stated that the project namely Agrani PG Town is a rejected project by the Authority. The respondent has referred to order of the Appellate Tribunal and judgment of the Hon'ble Supreme Court.

The complainant has filed rejoinder to the reply filed by the respondent stating therein that he has filed the complaint case after the project got rejected by the RERA, Bihar and requests for refund with interest.

The Authority observes that the respondent was given ample opportunity to comply the direction of the Authority but they have failed to comply the same and even during the course of execution hearing also, the respondent was given opportunity to comply the

order but no affirmative action has been taken by the respondent so far and mere filing petition stating therein that the Authority has no jurisdiction to entertain the matter can't escape respondent from their liability.

The Authority further observes that the present matter pertains to execution of the order passed in complaint case and as it is settled law that in execution, no fresh issue can be entertained and considering the same, the Authority further observes that the plea as raised here in execution, has neither raised by the respondent in complaint case and nor went for appeal on that which clearly indicates that only this issue has been highlighted here to linger the matter. The Authority also observes that respondent has not discharged their obligation due to which order for refund has been passed, hence, in such circumstances, the Authority observes that plea of respondent can't be entertained and considering that the respondent till date not comply the order, in exercise of the powers conferred upon it under Section 40(2) of the Real Estate (Regulation and Development) Act, 2016 read with Rule 26 of Bihar RERA Rules, 2017, the Authority hereby directs that the said property be attached and the amount due to the executant be paid from the proceeds of sale of that property.

Issue warrant of attachment of the said property. Bailiff may take further action accordingly. This may also be uploaded on the website. The assistance of the district administration may be taken for attachment and subsequent auction of the said property of the executee.

With these directions the matter is disposed of.

Sd/-
(Naveen Verma)
Chairman