

**REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR**  
**4<sup>th</sup> & 6<sup>th</sup> Floor, Bihar State Building Construction Corporation Ltd. Complex,**  
**Shastri Nagar, Patna-800023.**

**BEFORE THE BENCH OF SENIOR LEGAL CONSULTANT, MR. VED PRAKASH**

**Exe. Case No. 78/2022; RERA/ CC/1061/2020**

**Mr. Sanjay Kumar Saraf** : **Executant**  
V/s

**M/s Nissa Realtors Pvt. Ltd.:** **Respondent**

**PROJECT** : **GHAR APNA PHASE-II**

**Present:**

**For Executant** : **Mr Jai Ram Singh ( Adv.)**

**For Respondent** : **None**

**ORDER**

**29.09.2022**

The Hon'ble Chairman has been pleased to transfer this case in my Bench from the Double Bench. Register it. The learned counsel for the executant is present, but the respondent is absent. The learned counsel for executant submits that respondent has not complied with the order of the Authority passed in RERA/CC/1061/2020 on 26.11.2021 and the amount of Rs.17,35,241/- along with the interest accrued on principal amount is still due, further, requests the Bench to initiate the proceeding under section 40 (1) of RERA, Act 2016 against the respondent for refund of the principal amount along with interest etc.

In spite of the knowledge of the above order dt.26.11.2021 neither the respondents have complied with the order nor appearing to reply on the petition of the executant, hence for equity of justice Bench has to provide relief to the executant as he can not be left to suffer indefinite period.

Therefore, the execution petition of the executant is allowed and Public Demand Recovery be issued under Section- 40 (1) of the RERA Act, 2016 read with Rule 25 of

Bihar Real Estate (Regulation and Development) Rules 2017 and read with section 4/5 Bihar and Odissa Public Demand Recovery Act, 1914 with copy to the executant and send to the collector, Patna for recovery of the above remaining principal amount along with interest accrued on principal amount against the respondents.

Accordingly, the execution case is disposed of.

**Sd/-**  
**(Ved Prakash)**  
Senior Legal Consultant,  
RERA, Bihar  
29-09-2022