

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mrs. Nupur Banerjee, Member

Execution Case No. 15/2021, RERA/CC/605/2019

Ritwik Prasanna.....Complainant

Vs.

M/s Realize Realcon Pvt. Ltd.....Respondent

ORDER

18-02-2022

The matter was last heard on 07-01-2022.

The complainant had filed complaint petition under section 31 of the Real Estate (Regulation & Development) Act, 2016, in March, 2019 against M/s Realize Realcon Pvt. Ltd for the refund of the principal amount with interest as the promoter has fail to honour the terms of the agreement.

The complainant, in this Execution Petition filed on 16/03/2021 has submitted that final order dt. 30-12-2020 was passed directing the respondent to refund of the deposit amount along with the interest at the rate of 9.5 percent (MCLR +2%) from the date of deposit till the date of refund to the complainant by respondent company.

On the last hearing i.e. on 07-02-2022, learned counsel appearing on behalf of the complainant had submitted that the respondent was supposed to refund Rs.9 Lakhs along with applicable interest. He further submitted that on 26-11-2021, the respondent was directed to furnish the balance sheet but, till now, the respondent has neither complied with the last direction nor have paid the amount even after assurance.

Learned counsel present for respondent on the last date of hearing had submitted that the respondent is not in the position to refund the money and further prays for 45 days' time.

The Bench notes that the respondent company was given ample opportunity to comply with the final order dated 30-12-2020 but, has failed to

do so. Therefore, a token penalty of Rs.1 lakh (one lakh only) is imposed upon the respondent company to be paid within 15 days from the date of order.

On the basis of the submissions and taking into consideration the documents filed, it is found that as on date, no order has been shown which stays the order passed by the Authority on 30.12.2020. Under these circumstances, the respondent company is hereby directed to comply with the order passed in the complaint case on 30-12-2020 within 15 days from the issuance of this order. In case of failure to comply with the order within the stipulated time frame, recovery certificate under P.D.R. Act and criminal complaint case as per provision of the RERA Act, 2016 will be instituted against the respondent company and their directors.

Sd/-

Nupur Banerjee
Member