

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mrs. Nupur Banerjee, Member

Execution Case No. 172/2021, RERA/CC/204/2019

Jaya Srivastava.....Complainant

Vs.

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

ORDER

18-02-2022

The matter was last heard on **21-01-2022**.

The complainant had filed a complaint petition under section 31 of the Real Estate (Regulation & Development) Act, 2016, on 17th January, 2019 against M/s Agrani Homes Pvt. Ltd for the completion and handover of the flat as soon as possible. She further prayed for interest and compensation for the delay in handing over the possession of flat.

The complainant, in this Execution Petition filed on 15/09/2021 has submitted that final order dated 31-10-2019 was passed directing the respondent to adjust the interest @ MCLR of the State Bank of India as applicable for three years on the total amount deposited by the complainant from the dates of deposit to date of handing over the possession of the flat, against the balance amount due to be paid by the complainant and pay or recover the remaining amount within 60 days of issue of this order.

During the last hearing on 21-01-2022, complainant had submitted that the respondent has not complied with the Order as neither the possession has not been handed over nor interest has been paid. He further submitted that the construction has also not been completed as yet. He further submitted that the flat is not in habitual condition. He further submitted that Rs.14,51,000/- has been paid to which the respondent MD submits that money is still to be paid by the complainant. The complainant also submitted that approximately Rs.6,00,000/- is still remaining. He had further prayed for flat and registry in his favor.

The MD of the respondent company had submitted that besides the order passed by the double bench; an order was passed by the full bench with regards to the D block stating that the allottees will pay 90% of the total amount and both the orders are clashing and in such circumstance which order will be prevailed.

However Bench comes to the conclusion that the promoter must follow the order passed by the Double Bench which is specific order passed against the complaint filed upon which the execution case has been filed.

The Bench has also directed on the last hearing to the respondent to file his final brief of submissions and further directed both the parties to file interest calculation.

The bench notes that both the parties has not filed interest calculation and complied the last hearing direction dated 21-01-2022.

The Bench notes that the respondent company was given ample opportunity to comply with the final order dated 31-10-2019 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 31.10.2019. Under these circumstances, the respondent company is hereby directed to comply with the order passed in the complaint case on 31-10-2019 within 15 days from the issuance of this order. In case of failure to comply with the order within the stipulated time frame, appropriate action as per section 40(2) of the RERA Act, 2016 read with Rule 26 of the Bihar Real Estate (Regulation & Development) Rules, 2017, will be instituted against the respondent company and their directors.

Sd/-
Nupur Banerjee
Member