

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mrs. Nupur Banerjee, Member

Execution Case No. 51/2019, RERA/CC/151/2018

Subhash Chandra.....Complainant

Vs.

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

ORDER

18-02-2022

The matter was last heard on 14-01-2022.

The complainant had filed a complaint petition under section 31 of the Real Estate (Regulation & Development) Act, 2016, in 2018 against M/s DPM Infrastructure & Housing Pvt. Ltd for the refund of his deposit amount of Rs.5,50,952/- along with interest and compensation as the promoter has neither executed the agreement for sale in his favor nor any construction work has been started by them till date.

The complainant, in this Execution Petition filed on 12/03/2021 has submitted that final order dated 28-12-2019 was passed directing the respondent to refund the deposited amount of Rs.5,50,952/- along with interest of (MCLR) of the State Bank of India plus two percent from the date of deposit to the date of refund to the complainant.

During the last hearing on 14-01-2022, complainant had submitted that as per the last date of hearing dt.10-12-2021, the respondent was supposed to refund the amount but respondent has not complied with the direction of the Bench.

No one has appeared on the behalf of the respondent during the last date of hearing.

The Bench notes that the respondent company was given ample opportunity to comply with the final order dated 28-12-2019 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 28.12.2019. Under these circumstances, the respondent company is hereby directed to comply with the order passed in the complaint case on 28-12-2019 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