

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Single Bench of
Mrs. Nupur Banerjee, Member, RERA, Bihar.

Exe. Case no – 14/2021 RERA/CC/113/2018

Rajeev Kumar PandeyComplainant
Vs.
M/s Agrani Homes Real Construction Pvt. Ltd.....Respondent
For Complainant: In person.
For Respondent: None

ORDER

09/12/2022 Hearing taken up. The complainant Sri Rajeev Kumar Pandey appears through virtual mode. Nobody appears for the respondent.

The complainant reiterates for refund of the amount. He also states that the respondent preferred an appeal against the original order before the Appellate Tribunal where the appeal stood rejected.

The Bench observes that this execution petition is filed for the non-compliance of order, wherein the respondent was directed to refund the amount along with interest. It appears that direction to send a requisition to the District Magistrate, Patna to issue recovery certificate under the provision of Bihar and Orissa Public Demand Recovery Act, 1914, under section 40(1) of RERA Act, read with Rule 25 of the Bihar RERA Rules is already given during the course of proceeding on 24-06-2022. It also appears that due to typographical error a direction for issuance of notice under O.21, R.37 of Civil Code Procedure, 1908 read with Section 40 of the Real Estate (Regulation and Development) Act, 2016 & Rule 26 of Bihar Real Estate (Regulation and Development) Rules, 2017 is also given against respondent. Hence, considering that direction for issuance of recovery certificate is already given, the order for issuance of notice under O.21, R.37 of Civil Code Procedure, 1908 read with Section 40 of the Real Estate (Regulation and Development) Act, 2016 & Rule 26 of Bihar Real Estate (Regulation and Development) Rules, 2017 is deferred.

The Bench directs office to send requisition to the District Magistrate, Patna to issue recovery certificate under the provision of Bihar and Orissa Public Demand

Recovery Act, 1914, under section 40(1) of RERA Act, read with Rule 25 of the Bihar RERA Rules 2017.

This execution petition is disposed of accordingly.

Sd/-
Nupur Banerjee
Member