

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

Execution Case No.209/2021; RERA/CC/173/2019

Rina Roy**Executant**

Vs

M/s Ezzion Construction Pvt. Ltd.**Respondent**

17/02/2023

ORDER

The Present execution petition has been filed for non-compliance of the order dated -28.07.2021, passed in RERA/CC/173/2019 with following directions given below: -

“It was directed to the Respondent company and their directors to register the project Ramagya Residency within thirty days of the issue of the order, failing which the Authority should initiate the proceedings under section 59 (1) of the Real Estate (Regulation and Development) Act 2016.

IG Registration is requested to direct the DSR, Patna and Sub DSR Danapur/Phulwarisharif to stop the registration of sale of the flats in the project Ramagya Residency of M/s Ezzion Construction Private Limited until further orders.

The Bench orders the Respondent company and their directors to get the revalidation/ re-approval of the sanctioned plan of the project, complete the project, obtain Completion Certificate (CC) /Occupancy Certificate (OC) from the competent Authority and handover the possession of the flats to the complainants without any further delay.

The Bench also orders the respondent company and their directors to pay interest at the rate of 8 percent on the deposited amount of the complainants from 1.4.2018 until the date of handing over the possession of the flats to the complainants after adjusting the remaining amount payable by both complainants.”

The Bench takes the note of the petition dated- 28-07-2022 as well as petition filed in the respect to interest calculation filed by executant.

Perused the record. It appears from the record that no reply has been filed by the Respondent. However, learned counsel for the one of the director of respondent company, Mr. Kumud Kumar has appeared and made the submissions during the course of hearings. None appears on the behalf of the other director despite issue of notices and summons.

The Bench takes the note that during the course of hearing on 08-06-2022, the Respondent counsel Ms. Mahima Sharma has drawn the attention of the Bench regarding review petition filed by respondent in respect to the order dated- 28-07-2021. Upon which the Bench recalls its observation dated 08-06-2022 and observes that the same will be heard separately as rectification petition in the light of Sec- 39 of the RERA Act 2016 and read with Regulation- 20 of the Bihar Real Estate Regulatory Authority Regulations, 2022.

The Bench observes that a suo-motu proceeding bearing SM/307/2018, is already initiated against the respondent under section 59 of the Act.

The Bench takes the note of submission of executant that sale deed is already executed but till date the physical possession has not been handed over to the complainant and also CC & OC are not obtained as per the direction dated 28-07-2021. In this regard, the Bench directs respondent giving an opportunity to handover the physical possession of flat within 15 days of this order, failing which action will be taken against respondent as per section 40(2) of the RERA Act, 2016 read with Rule 26 of the Bihar Real Estate (Regulation & Development) Rules, 2017.

The Bench further observes that as directed by the order dated 28-07-2021, till date the respondent has not initiated any action in respect to adjustment and payment of interest amount as accrued , hence, the Bench directs respondent to comply the same within 15 days, failing which office is directed to send requisition to the District Magistrate, Patna for recovery of the interest amount due 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.

With the above observations and directions, this execution petition is disposed of accordingly.

Sd/-

Nupur Banerjee
Member