

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mrs. Nupur Banerjee, Member

Execution Case No. 102/2020, RERA/CC/210/2019

Anil Kumar.....Complainant

Vs.

M/s Lakhan Homes Ltd.....Respondent

17-01-2022

CORRIGENDUM TO ORDER DATED 14.01.2022

Order in this matter was issued on 14/10/2022.

Due to inadvertence, the order passed by the single bench of Mrs. Nupur Banerjee on 14-01-2022, the respondents name has been wrongly been mentioned as M/s Laxman Homes Ltd. due to typo graphical error. The order dt.14-01-2022 hereby modified to the extend with correct respondent name i.e. M/s Lakhan Homes Ltd.

It has been pointed out that in the operative part it is mentioned that 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.

The order dated 14.01.2022 is reviewed due to an apparent error on the face of the record.

The operative part of the order is corrected as follows: “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/-
NupurBanerjee
Member

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ORDER

17-01-2022

The matter was last heard on 10-12-2021.

The complainant had filed a complaint petition under section 31 of the Real Estate (Regulation & Development) Act, 2016, in January, 2019 against M/s Lakhan Homes Ltd for the hand over the possession of G-7 Shop as per agreement.

The complainant, in this Execution Petition filed on 17/12/2020 has submitted that final order dt. 09-10-2020 was passed directing the respondent to hand over the possession of the Ground Floor G-7 shop in fully complete form within 30 days of issue of the order , failing which penalty of Rs.10,000/- for each day of delay in handing over the possession of the shop would be payable to complainant by the respondent company.

During the last hearing on 10-12-2021, learned counsel for the complainant submitted that the respondent had not handed over the possession of shops till now. He further submitted that as per last hearing direction, the complainant try to approach the respondent for settlement but respondent is not willing for that and requested to pass order.

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

The Bench notes that the learned counsel for the respondent company was given ample opportunity to comply with the final order dated 09-10-2020 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 09.10.2020. Under these circumstances, the respondent company is hereby directed to comply with the order passed in the complaint case on 09-10-2020 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