

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mrs. Nupur Banerjee, Member

Execution Case No. 11/2021, RERA/CC/322/2019

Sunita Kumari & Anand Mohan.....Complainant

Vs.

M/s Realize Realcon Pvt. Ltd.....Respondent

ORDER

14-01-2022

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 March, 2019 against M/s Realize Realcon Pvt. Ltd for the refund of the principal amount with interest as the promoter has fail to honour the terms of the agreement.

The complainant, in this Execution Petition filed on 02/03/2021 has submitted that final order dt. 30-12-2020 was passed directing the respondent to refund of the deposit amount along with the interest rate of 9.5 percent (MCLR +2%) from the date of deposit to the date of refund to the complainant by respondent company.

During the last hearing on 10-12-2021, Complainant present in person submitted that as per the last hearing direction, he had not received the deposited amount with interest and requested to direct the respondent to refund the same.

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 30-12-2020 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 30.12.2020. Under these circumstances, the respondent company is hereby directed to comply with the order passed in the complaint case on 30-12-2020 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