

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

Hon'ble Member Mr. S.D. Jha, RERA, Bihar,

RERA/EX./133/2023

RERA/CC/756/2019

Bandana Kumari Complainant

Vs.

M/s R.D. Eco Developers Pvt. Ltd. Respondent

For the complainant: Mr. Manoj Kumar Ambastha, Advocate

For the Respondent: Mr. Sumit Kumar, Advocate

Project:- R.D. Eco Developers

ORDER

27.08.2024 Hearing taken up. Mr. Manoj Kumar Ambastha, Advocate, appears for the complainant. Mr. Sumit Kumar, Advocate, appears for the respondent.

Learned counsel for the complainant submits that in spite of the order dated 30.06.2022 passed by the Authority in RERA/CC/756/2019 the complainant has not received till date his principal amount of Rs.15,00,000/- along with interest at the rate of marginal cost of fund based lending rate of State Bank of India as applicable for three years plus two percent from the date of taking the booking till the date of refund within sixty days of issue.

During course of hearing, learned counsel for the complainant reiterated the pleadings made vis-à-vis the execution of the order dated 30.06.2022.

Perused the record. The respondent failed to file any reply.

The Authority observes that despite knowledge of the order in the said complaint, the respondent has neither complied with the order nor has filed any reply. Hence, for equity and justice, the Authority is completed to pass an order for the

recovery of the said amount, as the respondent cannot be allowed to prolong the matter indefinitely.

The Authority directs that in order to recover the amount mentioned in the order dated 30-06-2022, a certificate of Public Demand Recovery be issued under Section 40(1) of the RERA Act, 2016, read with Rule 25 of the Bihar Real Estate (Regulation and Development) Rules, 2017, and Section 4/5 of the Bihar and Orissa Public Demand Recovery Act, 1914.

In view of the continued non-compliance of the order of the Authority, a penalty of Rs. 50,000/- has been imposed on the respondent by the Authority under Section 63 of the Act, which may be recovered through a certificate along with the aforesaid amount.

A copy of the order be sent to the Collector, Patna, for recovery of the aforesaid amounts.

Accordingly, this matter stands disposed of.

Sd/-
S.D. Jha,
Member