

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Full Bench of Hon'ble Chairman, Mr. Vivek Kumar Singh
& Hon'ble Members Mrs. Nupur Banerjee & Mr. S.D. Jha, RERA
Bihar,**

RERA/Exe./373/2022

RERA/CC/846/2021

Iftexhar Ahmad Complainant

Vs.

M/s Hawk Buildtech Pvt. Ltd. Respondent

For the complainant: In person

For the Respondent: Mr. Sharad Shekhar, Advocate

Project:- H.B. TOWER

ORDER

24.07.2024 Hearing taken up. The complainant appears in person. Mr. Sharad Shekhar, Advocate appears for the respondent.

The complainant submits that in spite of the order dated 17.01.2022 passed by the Authority, the respondent - promoter has not refunded the amount of Rs.11 lacs along with interest and thus failed to comply with the said order. He therefore again requests for refund of money along with interest as he is in urgent need of money.

Learned counsel for the respondent requests for time, which is rejected.

The Authority observes that in spite of specific direction vide order dated 17.01.2022, the respondent has not made payment to the complainant. Hence, a penalty of Rs 50,000/- is imposed u/s 63 of the RERA Act, 2016 for disobeying the Authority's order which is to be paid before 31.07.2024 . Further, the authority is left with no option but to pass an order for recovery of the amount of Rs.11 lacs along with interest as the respondent cannot be allowed to linger the matter for an indefinite period.

Therefore, let Public Demand Recovery be issued u/s 40(1) of the RERA Act, 2016 read with Rule 25 of the Bihar Estate (Regulation and Development) Rules, 2017 read with Section 4/5 of the Bihar and Orissa Public Demand Recovery Act, 1914 and send a copy to the Collector, Patna, for recovery of the aforesaid amount along with interest as ordered by the Full Bench for the period of default of payment which continues till the date of payment as well as penalty of Rs 50,000/- imposed u/s 63 of the RERA Act, 2016 as mentioned above.

With the aforesaid observation and directions, this case is disposed of.

Sd/-
S.D. Jha
Member

Sd/-
Nupur Banerjee
Member

Sd/-
Vivek Kumar Singh
Chairman