

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**  
**Before the Division Bench of**  
**Mrs. Nupur Banerjee & Mr. S.D. Jha, Members, RERA, Bihar.**

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RERA/SM/47/2018

Authorised Representative of RERA.....Complainant

Vs.

M/s Aryavart Lifespace Homes Pvt. Ltd. ....Respondent

**ROJECT: ASHRAY & ARYAVRTA GREEN**

For Complainant: Mr. Abhinay Priyadarshi, LR,

For Respondent: None

**ORDER**

**05.01.2023** Hearing taken up. Mr. Abhinay Priyadarshi, LR, appears for the complainant. The respondent is absent.

Learned counsel for the complainant submits that in this case a penalty of Rs.32,25,000/- is to be deposited by the respondent – company. It is further stated by learned counsel for the complainant that the respondent had preferred an appeal and that appeal stood dismissed. Thereafter, the respondent has preferred a Second Appeal before the High Court but there is no any stay order therein.

The Authority observes that in spite of the knowledge of the order dated 30.5.2019 passed in Case no. RERA/SM/47/2018, wherein a penalty of Rs.32,25,000/- to be deposited within 60 days has been imposed upon the respondent, neither the respondent – builder has complied with the order nor filed any reply on the petition of the executant. Hence for equity of justice the Authority is compelled to pass an order for recovery of the penalty as the respondent cannot be allowed to linger the matter for an indefinite period.

Therefore, this *suo motu* application is allowed. Let 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 read with Section 4/5 of the Bihar and Odissa Public Demand Recovery Act, 1914, and send a copy to the Collector, Patna, for recovery of the aforesaid amount of Rs.32,25,000/- along with penalty of Rs.1000/- per day for the period of default of payment continues till the date of payment is made as described in Section 63 of the Act.

With the aforesaid observation, the case is disposed of.

Sd/-

**S.D. Jha**  
**Member**

Sd/-

**Nupur Banerjee**  
**Member**