

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

Execution Case No.173/2021; CC/220/2019

Abhishek KumarComplainant

Vs

M/s GrihVatika Home Pvt. Ltd.Respondent

Project: AmbikaVatika

Present: For Executant: Ms. Kriti Suman, Advocate

For Respondent : Mr. Mohit Raj, Advocate

25/11/2022

PROCEEDING

Hearing taken up. Both the parties are present.

Learned counsel for the executant reiterates the order of the Authority passed in complaint case and submits that till date respondent has not complied the direction of the Authority and has failed to refund the interest amount. She further submits that the order was to pay interest amount but respondent is only lingering the matter for 1½ years and several hearings and opportunity has been given to respondent but till date respondent has not complied the direction. She further prays to send requisition to District Magistrate under section 40(1) of the RERA Act, 2016, read with Rule 25 of the Bihar RERA Rules, 2017.

Learned counsel for the respondent submits that the original order was passed on 26.04.2021 against which we are going to file an appeal before the learned Tribunal. He prays for one month's time to file an appeal before the Tribunal.

In reply, learned counsel for the complainant submits that they have not entered into any agreement for sale. They have taken more than 10% of the amount.

The Bench observes that order to pay interest has been passed on 26-04-2021 and several opportunities has been given to respondent to comply the direction of the Authority but respondent has failed to comply the same and now at this stage when the year has been passed, respondent is submitting to file an appeal is nothing but a tactic to linger the matter as respondent itself in various hearing has submitted that last opportunity should be given so that they will pay the interest amount but it appears from hearings that even giving various opportunities to respondent, till date, respondent has not taken any affirmative steps to pay the interest accrued as per the order dated 26-04-2021. Hence, considering the prayer of learned counsel for executant to proceed under section 40(1) of the RERA Act, 2016, read with Rule 25 of the Bihar RERA Rules, 2017, the Bench directs to send a requisition to the District Magistrate, Patna for recovery of the interest accrued as per the calculation sheet submitted under the provision of Bihar and Orissa Public Demand Recovery Act, 1914, under section 40(1) of RERA Act, read with Rule 25 of the Bihar RERA Rules.

With this observation and direction, this execution petition is disposed of.

Sd/-

Nupur Banerjee
Member

