



REAL ESTATE REGULATORY AUTHORITY (RERA)
IN THE COURT OF ADJUDICATING OFFICER
4TH & 6TH FLOOR, BIHAR STATE BUILDING CONSTRUCTION CORPORATION CAMPUS
HOSPITAL ROAD, SHASTRI NAGAR
PATNA-800023

RERA/Execution Case No. 93/2020

RERA/CC/447/2019

RERA/AO/103/2019

Mrs. Nirmala Pandey Complainant/Executant

Vs

M/s Agrani Homes Pvt Ltd. Respondent

Project: I.O.B. NAGAR

ORDER

06/02 /2023:

Hearing taken up. Shri Shivaji Pandey, husband of the Executant is present on her behalf, but the respondent is absent.

The executant has filed this execution case for execution of the order dated 31.01.2020 passed in Case No. RERA/CC/447/2019/RERA/AO/103/2019 by which this Court has been pleased to allow the complaint case on contest with litigation cost of Rs.15,000/- (Rupees fifteen thousand only) against the respondents and the respondents were directed to refund the principal amount of Rs.10,15,000/- (Rupees ten lacs, fifteen thousand) to the executant along with simple interest @ 10.20% per annum till date i.e. 31.01.2020 of Rs.1,62,808/- (Rupees one lac sixty two thousand eight hundred eight only). The respondents were further directed to pay simple interest at the same rate of 10.20% per annum since tomorrow i.e. 01.02.2020 till refund of the remaining principal amount to the executant. The respondents were further directed to pay compensation of Rs.75,000/- (Rupees seventy-five thousand only) to the executant for her mental and physical harassment. The respondents were also directed to comply with the order within 60 (sixty) days, failing which the complainant/executant is entitled to enforce the order through the process of the court.

It is submitted on behalf of the executant that when the respondent did not comply with the aforesaid order within the stipulated period then the executant has no other option but to file this execution case. It is further

submitted that the respondent is not ready to comply with the order dated 31.01.2020 passed in Case No. RERA/CC/447/2019/ RERA/AO/103/2019 and prays to send requisition to the District Magistrate, Patna for recovery under the P.D.R. Act.

To the aforesaid effect a petition has been filed on behalf of the executants. It is further stated in the petition for change of her address. It is stated that she is presently residing with her son at Dewas in House No.228, Ganga Niketan, behind Bima Hospital, District- Dewas, Madhya Pradesh, Pin Code.455001. (Keep it on record).

Office is directed to do all correspondence to the executant on the address as stated in the above paragraph.

Perused the records. From perusal of the record it appears that in spite of knowledge of the above order dated 31.01.2020 neither the respondents have complied with the order nor appeared to reply on the petition of the executant, hence for equity of justice the Bench has no other option but to provide relief to the executant as he cannot be left to suffer for an indefinite period.

Therefore, the execution petition of the executant is allowed and 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 also read with section 4/5 of the Bihar and Orissa Public Demands Recovery Act, 1914 with a copy to the executant and send the same to the District Magistrate, Patna for recovery of the above principal amount along with interest accrued on principal amount as also the litigation cost and compensation against the respondents.

Accordingly, the execution case is disposed of.

Sd/-

**(Ambrish Kumar Tiwari)
Adjudicating Officer**

