

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Single Bench of Mr Naveen Verma, Chairman

Execution Case No. 28/2019, RERA/CC/155/2018

Rajesh Kumar.....Complainant

Vs

M/s Rukmani Infratech India Pvt Ltd.....Respondent

Present: For Complainant: In person

For Respondent : Absent

Later Mr Shantanu Kumar, Advocate

ORDER

29/10/2021

29/11/2021

The matter was last heard on 22-10-2021.

The complainant had filed a complaint petition under section 31 of the Real Estate (Regulation & Development) Act, 2016, on 15-12-2018 against M/s Rukmani Infratech India Pvt Ltd for refund of the booking amount of Rs. 3,60,000/- along with interest.

The complainant, in his Execution Petition filed in 2019 has submitted that final order dt. 31-08-2019 was passed directing the respondent company to pay interest of 9 % per annum to the complainants on the amount of deposit from the date of deposit to the date of refund within 60 (sixty) days of issue of the order dated 31-08-2019. The Bench in its final order dated 31-08-2019 has noted that the complainant has received the booking amount of Rs.4,60 lacs from the respondent company and only interest is to be paid to the complainant.

During the last hearing, the learned counsel for the respondent company had sought time to file reply of notice issued on 20/7/2021 to him under section 40 of the Act however the prayer was not allowed. But the respondent company was given time to file their reply and documents on affidavit.

The Bench has observed that the respondent company was given ample opportunity to comply with the final order dated 31-08-2019 but has failed to do so. Therefore, a penalty of Rs. 10,000/- (Ten thousand only) is imposed upon the respondent company for violating the orders and directions of the Bench, to be paid within 15 days from the date of order.

The Bench also took note of the fact that neither reply to the notice sent u/s 40 was sent by the respondent company nor any reply with documents has been filed even after specific direction given on 22-10-2021. Therefore, the Bench is constrained to proceed further u/s 40 of the Real Estate (Regulation & Development) Act, 2016 read with Rules 25 and 26 of the Bihar Real Estate (Regulation and Development) Rules, 2017 without any further notice.

Sd/-

Naveen Verma
Chairman