



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

Execution Case No.303/2022

RERA/CC/209/2019

Smt. Chhaya LalComplainant/Executant

Vs

M/s Agrani Homes Pvt. Ltd.Respondent

Project: I.O.B. NAGAR MAIN PHASE, J BLOCK

ORDER

19/12/2024:

Hearing taken up. Heard Ms. Snigdha, learned counsel for the executant, but there is no representation on behalf of the respondent.

2. The executant has filed this case for execution of the order dated 26.05.2022 passed in Case No. RERA/CC/209/2019 by a Single Bench of the Authority comprising of Mr. Naveen Verma, Chairman, whereby the Single Bench of the Authority while disposing of the case, was pleased to direct the respondent to hand over the possession of the flats with all amenities as promised in the prospectus/agreement for sale by 31.07.2022. The Bench further directed that if the respondent fails to hand over the flat by 31.07.2022, they will be liable to pay a penalty of Rs.10,000/- for every day of delay.

3. The executant submits that when the respondent did not comply with the aforesaid order within the stipulated period and the exercise of amicable settlement has also failed then the executant has no other option but to file this execution case.

4. The executant has filed a petition on 27.09.2024 stating therein that she has obtained possession of Flat No.401, J Block, I.O.B. Nagar, Danapur on 16th of June, 2024 as per the builder's permission and instruction. It is further stated therein that the complainant has herself completed the unfinished work but till date no possession letter has been provided to her. Learned counsel for the complainant submits that the respondent has not fully complied

the order impugned. She lastly prays to send requisition to the District Magistrate, Patna for recovery of the penalty imposed by the Authority under the P.D.R. Act.

5. Perused the records and from perusal of which it appears that in spite of knowledge of the above order dated 26.05.2022 neither the respondents have fully complied the order nor appeared to file 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 she cannot be left to suffer for an indefinite period. It is the admitted position that the respondent has not filed any reply nor entered appearance. In that view of the matter this court has no other option but to accept the statement of the complainant that she has been given possession of the flat on 16.06 2024 after the cut off date of 31.07.2022. Hence the respondents are liable to pay penalty of Rs.10.000/- for every day of the delay i.e. after 31.07.2022 till the date of handing over the flat to the executant i.e. 16.06.2024.

6. Therefore, the execution petition of the executant is allowed and Public Demand Recovery Certificate 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 penalty of Rs. 10,000/ for every day of the delay i.e. from 01.08.2022 to 16.06.2024 against the respondents.

Accordingly, the execution case is disposed of.

Sd/-
(Ambrish Kumar Tiwari)
Adjudicating Officer