



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. 39/2020

RERA/CC/124/2018

RERA/AO/12/2018

Mr. Mayank ChaudharyComplainant/Executant
Vs
M/s Agrani Homes Pvt Ltd. Respondent

Project: AGRANI ROYL CITY, SHIVALA, PATNA

ORDER

19/12 /2022:

Hearing taken up. The executant is present in person, but the respondent is absent.

The executant has filed this execution case for execution of the order dated 29.08.2019 passed in Case No.RERA/CC/124/2018/RERA/AO/12/2018 by which this Court has been pleased to allow the complaint case on contest with litigation cost of Rs.17,000/- (Seventeen thousand) against the respondents and the respondents were directed to refund the remaining principal amount of Rs.14,00,000/- (Rupees fourteen lacs) to the executant. The respondent was further directed to pay accrued interest of Rs.8,84,900.27P. as on the date of the order on total principal amount of Rs.16.00 lacs @ 10.45% per annum to the executant. The respondent was further directed to pay interest @ 10.45% per annum on remaining amount of Rs.14.00 lacs till actual payment. The respondent was further directed to pay Rs.4.00 lacs as compensation to the executant for his mental and physical harassment. The respondent was also directed to comply the order within 60

(sixty) days, failing which the complainant/executant is entitled to enforce the same through the process of the court.

The executant submits that when the respondent did not comply with the aforesaid order within the stipulated period he has no other option but to file this execution case. He submits that the respondent is not ready to comply with the order dated 29.08.2019 passed in Case No. RERA/CC/124/2018/RERA/AO/12/2018 and further submits to send requisition to the District Magistrate, Patna for recovery under the P.D.R. Act.

Perused the records. From perusal of the record it appears that in spite of knowledge of the above order dated 29.08.2019 neither the respondents have complied with the order nor appeared to reply on the petition of the executant, hence for equity of justice 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 Demand 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