



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. 41/2020

RERA/CC/485/2019

RERA/AO/117/2019

Mrs. Sabita KumariComplainant
Vs
M/s Agrani Homes Pvt Ltd.Respondent

Project: I.O.B Main Phase

ORDER

25/11 /2022: Hearing taken up. Husband of the executant, Mr. S.K. Sinha is present, but the respondent is absent.

The executant has filed this execution case for execution of the order dated 11.11.2019 passed in Case No.RERA/CC/485/2019/ RERA/AO/117/2019 by which this Court has been pleased to allow the complaint case on contest with litigation cost of Rs.25,000/- (Twenty-five thousand) against the respondents and the respondents were directed to refund the advanced principal amount of Rs.17,52,530/- (Rupees seventeen lacs, fifty two thousand five hundred and thirty) to the executant with accrued simple interest @10.25% per annum since the respective date of payment of amount by the executant to the respondents. The respondents were further directed to pay Rs.2.00 lacs (Rupees two lacs only) to the complainant as compensation for her mental and physical harassment. The respondents were also directed to comply the order within

60 (sixty) days, failing which the complainant/executant may enforce the same through the process of the court.

The husband of the executant submits that when the respondent did not comply the aforesaid order within the stipulated period she has no other option but to file this execution case. He submits that the respondent is not ready to comply with the order dated 11.11.2019 passed in Case No. RERA/CC/485/2019/ RERA/AO/117/2019 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 11.11.2019 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 to provide relief to the executant as she 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 against the respondents.

Accordingly, the execution case is disposed of.

Sd/-
(Amrish Kumar Tiwari)
Adjudicating Officer