



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.15/2022

RERA/CC/1670/2020

RERA/AO/559/2020

Priyanka Kumari, W/o Dr. Alok SinghComplainant/Executant

Vs

M/s Agrani Homes Pvt. Ltd. Respondent

Project: I.O.B. NAGAR, BLOCK-K

ORDER

29/12/2023:

Hearing taken up. Heard the executant in persons, but there is no representation on behalf of the respondent.

2. Initially the executant had filed this case for execution of the general order and direction of the Authority dated 02.09.2021 by which the registration of IOB (K & L) project was rejected and the promoter was directed to refund the money, taken from consumers/allottees along with the interest at the Marginal Cost of Lending Rate (MCLR) of the State Bank of India as applicable for three years or more plus two percent from the date of deposit to the date of refund within sixty days of issue of the order. When the foresaid direction was not complied by the promoter then as directed, she filed the certified copy of the specific order passed in her case i.e. order dated 31.10.2023 passed in Case No. RERA/CC/1670/2020/RERA/AO/559/2020 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 Company and its Director, Shri Alok Kumar to refund the principal amount of Rs.16,49,440/-/- to the complainant/executant along with interest calculated at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus two percent from the date of taking the booking till the date of refund within sixty days of the issue of the order.

3. Learned counsel for the executant submits that when the respondent did not comply with the aforesaid orders 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. She further submits that the respondent is not ready to comply with the general order dated 02.09.2021 and/or the specific order dated 31.10.2023 passed in Case No. RERA/CC/1670/2020/RERA/AO/559/2020 and prays to send requisition to the District Magistrate, Patna for recovery under the P.D.R. Act.

4. As directed, learned counsel for the executant files a certified copy of the order impugned. Let the same be kept on record.

5. Perused the records and from perusal of which it appears that in spite of knowledge of the above order dated 31.10.2023 and the general order and direction 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 she cannot be left to suffer for an indefinite period.

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 above amount along with interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus two percent from the date of taking the booking till the date of refund against the respondents.

Accordingly, the execution case is disposed of.

Sd/-

(Ambrish Kumar Tiwari)
Adjudicating Officer