



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. 39/2021

RERA/CC/772/2019

RERA/AO/198/2019

Sri Amit UpadhyayComplainant/Executant
Vs
M/s Agrani Homes Pvt. Ltd.Respondent

Project: POWER GRID NAGAR

ORDER

27/02/2023:

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

The executant has filed this case for execution of the order dated 13.01.2021 passed in Case No. RERA/CC/772/2019/RERA/AO/198/2019 by which this Court has been pleased to allow the complaint case on contest with litigation cost of Rs.25,000/- (Twenty-five thousand only) against the respondents and the respondents were directed to refund the advanced principal amount of Rs.9,28,599/- (Rupees nine lacs twenty-eight thousand five hundred ninety-nine only) to the executant with accrued simple interest @ 9.30% per annum since respective date of payment by the executant to the respondents till actual date of refund by the respondents to the executant. The respondents were further directed to pay compensation of Rs.1,50,000/- (Rupees one lac fifty thousand only) to the executant for his mental, economical and physical harassment. The respondents were also directed to comply with the order within 60 (sixty) days, failing which the complainant/executant is entitled to get enforced the order through the process of the court.

Learned counsel for 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. He further submits that the respondent is not ready to comply with the order dated 30.09.2020 passed in Case No. RERA/CC/772/2019/RERA/AO/198/2019 and prays 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 13.01.2021 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 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