



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. 105/2020

RERA/CC/779/2019

RERA/AO/208/2019

Mr. Ranjit Kumar Complainant/Executant

Vs

M/s Agrani Homes Pvt Ltd. Respondent

Project: POWER GRID NAGAR

ORDER

06/02 /2023:

Hearing taken up. Mr. Mritunjay Harsh, learned counsel appears for the complainant, but the respondent is absent.

The executant has filed this execution case for execution of the order dated 30.09.2020 passed in Case No. RERA/CC/779/2019/ RERA/AO/208/2019 by which this Court has been pleased to allow the complaint case on contest with litigation cost of Rs.25,000/- (Rupees twenty-five thousand) against the respondents and the respondents were directed to refund the advanced principal amount of Rs.9,29,040/- (Rupees nine lacs, twenty-nine thousand forty only) to the executant along with accrued simple interest @ 9.3% per annum thereon since the date of payment by the executant to the respondents till actual date of refund 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 enforce the order through the process of the court.

Learned counsel for the executant submits that when the respondents did not comply with the aforesaid order within the stipulated period 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/779/2019/

RERA/AO/208/2019 and prays to send requisition to the District Magistrate, Patna for recovery under the P.D.R. Act.

Learned counsel for the executant has filed a petition stating therein the details of property of the respondent. In the petition it is stated that the respondent has 13 Kathas, 14 dhurs and 4.5 dhurki of residential plot under Mouja Dhawalpur (South to N.H.), Survey Thana- Patna City and Thana- Chowk Kala. At Present Thana- Bypass, District- Patna, Thana No.21, Tauji No.1453, Khata No.903, Survey Plot No. 1455 and 1459 and Jamabanti No.1658 of the year 2008-09. It is further stated in the petition that the respondent has also 13 Kathas, 15 dhurs and 8.75 dhurki of of Parti land under Mauja- Dhwalpur (South to N.H., Survey Thana – Patna City, Thana – Chowk Kala. At present Thana – Bypass, District- Patna, Thana No.21, Tauji No.1453, Khata No.903, Survey Plot No.1455 and 1459 and Jamabani No.1659 of the year 2008-09.

Perused the records. From perusal of the record it appears that in spite of knowledge of the above order dated 30.09.2020 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 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 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