



REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Single Bench of Hon'ble Inquiry Commissioner, Mr. Sanjaya Kumar Singh,
RERA, Bihar.

Exe. Case No- 62/2021
RERA/CC/05/2018

Atma Nand Jha

...Executant/Complainant

Versus

M/s. Pahi Construction Pvt. Ltd. & Ors.

... Respondents

Project: RSD Complex

Present: For Complainant: In Person

For Respondent: Mr. Mukesh Kumar

Order

20.07.2026

1. Hearing was last taken up on 11.06.2026 when the complainant Mr. Atma Nand Jha, was present in person. A legal intern appeared for the respondent and sought additional time, stating that he was not competent to argue the matter in the absence of his senior counsel and was also unaware of the case details. The complainant opposed the request, contending that the respondent had repeatedly delayed the proceedings by seeking adjournments without complying with the Bench's directions.
2. Upon considering the record, the Bench found merit in the complainant's submissions and observed that further delay was unwarranted. However, in the interest of natural justice, the Bench granted the respondent a final opportunity to file written notes of arguments in a further time of 15 days, failing which the matter would be decided on the basis of the available record. The order was reserved with the above observation.

3. Despite waiting for over a month and on finding that the respondent has not filed any document in his favour, the bench is now proceeding to pass the final order.
4. The executant submitted that a rectification petition has been filed in consonance with the order dated 10.02.2026 passed in the present matter and prayed for rectification/correction in the said order dated 10.02.2026 and also, for initiation of certificate proceedings against the respondent promoter owing to non-compliance of the directions contained therein.
5. The executant sought rectification of the order dated 10.02.2026 and initiation of certificate proceedings against the respondent promoter for non-compliance. It was pointed out that the appeal number mentioned in Para 22(XI) was incorrectly recorded as MA-65/2021 instead of MA-65/2023. He prayed for rectification of the same accordingly. He also submitted that the respondent has failed to execute the sale deed and pay the awarded interest of Rs.9,33,036 along with any excess refundable amount apart from failure to deposit the penalties of Rs.5,00,000 and Rs.8,00,000 imposed against the respondent under the relevant orders.
6. The Authority allowed the rectification by correcting the appeal number to MA-65/2023 and directed issuance of a show-cause notice to the respondent promoter to explain why certificate proceedings should not be initiated for recovery of the interest, refund, and the two penalty amounts. The matter was posted for the respondent's appearance and submission of show cause.
7. Having considered the submissions of the executant, the response of the respondent, and the materials available on record, this Authority finds that the order dated 10.02.2026, as rectified, has not been complied with in its true letter and spirit.

8. It is evident from the records that the respondent promoter has failed to execute the sale deed in favour of the executant and has failed to pay the interest amount of Rs. 9,33,036/- The respondent promoter has also failed to deposit the penalties imposed against him under the relevant orders.
9. Despite having been given sufficient opportunities, in the interest of natural justice and also having provided a final opportunity to the respondent to file written notes of arguments within fifteen (15) days, no material has been placed on record by the respondent to justify the failure to comply with the directions contained in the order dated 10.02.2026.
10. Accordingly, this Bench is satisfied that the respondent has failed to comply with the directions contained in the order dated 10.02.2026 and that no sufficient cause has been shown to warrant any further indulgence.
11. Therefore, in exercise of the powers conferred under the Real Estate (Regulation and Development) Act, 2016, it is directed that:
 - I. Certificate proceedings be initiated against the respondent for recovery of the interest amount of Rs. 9,33,036/-, payable to the executant in terms of the order dated 10.02.2026.
 - II. Certificate proceedings be initiated against the respondent for recovery of the penalty amount of Rs. 5,00,000/- imposed upon the respondent under Section 63 of the Real Estate (Regulation and Development) Act, 2016, for non-compliance with the directions of this Authority.
 - III. Certificate proceedings be initiated against the respondent for recovery of the penalty amount of Rs. 8,00,000/- imposed upon the respondent vide order dated 06.09.2024 passed in SM/481/2021.

12. The abovesaid Certificate proceedings shall be initiated against the respondent promoter for recovery of the aforesaid amount under Section 40(1) of the Real Estate (Regulation and Development) Act, 2016, read with Rule 25 of the Bihar Real Estate (Regulation and Development) Rules, 2017, and Sections 4 and 5 of the Bihar and Orissa Public Demand Recovery Act, 1914. A copy of this order, along with the requisite recovery certificate, be transmitted to the Collector, Patna, for recovery of the aforesaid amount in accordance with law.

With the above directions, the present execution proceedings stand disposed of.

Sd/-

Sanjaya Kumar Singh
Inquiry Commissioner
RERA Bihar