

# **REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Double Bench of Hon'ble Chairman, Mr. Vivek Kumar Singh**

**& Hon'ble Member Mr. S.D. Jha, RERA Bihar,**

RERA/Exe./370/2023

RERA/CC/1194/2021

Sanjeev Kumar..... Complainant

Vs.

M/s Lakhan Homes Pvt. Ltd. .... Respondent

**Project:–LAKHAN TYAGI**

## **ORDER**

**07.10.2024** Hearing taken up. Mr. Bipin Bihari, Advocate, appears for the complainant. Mr. Mukesh Kumar, Advocate, appears for the respondent.

2. This case has been filed for compliance of the order dated 30.05.2022 passed in RERA/CC/1194/2021, in which the Authority had directed the respondent company and its Director to refund the principal amount of Rs.39,55,750/- to the complainant/executant along with interest at the rate of marginal cost of fund based lending rates (MCLR) of the State Bank of India as applicable for three years plus five percent from the date of taking booking till the date of refund within sixty days of issue of this order on the date on which the amount becomes due till the date of payment within sixty days of issues of the order but the respondent has failed to comply with the directions of the Authority till date.

3. Perused the record. The Authority observes that the respondent has failed to comply with the order dated 30.05.2022. However, by filing reply today the respondent's counsel submits that the respondent – promoter is willing to provide space in the project out of his share in place of refund of money, to which the complainant's counsel submits that the

complainant is not willing to take share. The complainant wants compliance of the order dated 30.05.2022 passed by the Authority.

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4. The Authority observes that despite knowledge of the order dated 30.05.2022 passed in the said complaint case (RERA/CC/1194/2021), the respondent has not complied with the order and after passing of longer time the respondent has come with new proposal of providing space in the project, which is rejected because of its being denied by the complainant. Hence, for equity and justice, the Authority is compelled to pass an order for the recovery of the said amount as the matter cannot be allowed to linger for indefinite period.

The Authority directs that in order to recover the amount mentioned in the order dated 30.05.2022, a certificate of 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 Section 4/5 of the Bihar and Orissa Public Demand Recovery Act, 1914.

In view of the continued non-compliance of the order of the Authority, a penalty of Rs.50,000/- is being imposed on the respondent by the Authority under Section 63 of the RERA Act, 2016, which may be recovered through the certificate along with the aforesaid amount.

A copy of the order be sent to the Collector, Patna for recovery of the aforesaid amounts.

**Accordingly, this matter is disposed of.**

**Sd/-  
S.D. Jha  
Member**

**Sd/-  
Vivek Kumar Singh  
Chairman**