

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mr. Ved Prakash,
Special Presiding Officer

Exe. Case No. 128/2022
RERA/CC/610/2021

Amrita Kumari

....Executant(s)

With

Exe. Case No. 129/2022
RERA/CC/598/2021

Hemlata Devi

Vs

M/s Agrani Homes Real Marketing Pvt. Ltd. Respondent
PROJECT- Agrani P.G. Town

For the complainant:

Mr. Awalesh Kumar Singh (Adv.)

For the respondent :

Mr. Alok Kumar (Director)

12.03.2026

16.04.2026

ORDER

Shri Awalesh Kumar Singh, learned counsel on behalf of executants is present, but Shri Alok Kumar, the Director of the respondent company appears through video conferencing.

2. Since the reliefs sought for in these two execution cases are common and cause of action is same, both these cases are taken up together for hearing and disposal by a common order.

3. learned counsel for executants submits that the executants have filed these execution case against the respondent promoter for non-compliance of the order dated 15.02.2022 passed by a Division Bench comprising Shri Naveen Verma, Hon'ble the Chairman and Smt. Nupur Banerjee, Hon'ble Member of the Authority in RERA/CC/610/2021 and RERA/CC/598/2021, whereby the respondent company and their Director was directed to execute the agreement to sale immediately. The respondent was also directed to complete the flat and handover the possession of flats to complainant within 36 months, failing which they would be liable to pay Rs. 10,000/- for each day of delay.

4. Learned counsel for executants further submits that both the executants paid Rs. 12,21,000/- to the respondent in the year 2019 for purchase of Flat no. 101 and 204 respectively in Block –B of the project, Agrani P.G. Town. Despite repeated requests, the respondent neither executed the agreement for sale nor delivered possession of their respective flats as per order of the Hon'ble Authority, which is gross violation of Section 18(1)(a) of the RERA Act, 2016. Learned counsel for executants further submits that the Hon'ble D.B of the Authority vide its order dated 15.02.2022 had granted 36 months to comply the order in its letter and spirit, but the timeline has expired on 15.02.2025 and in consequence thereof, the cost of Rs. 10,000/- for each day of delay is now applicable.

5. Learned counsel for executants has filed a petition dated 30.10.2025 through which he has given an estimated total dues as on 30.10.2025, which are as below;

Particulars	Amount (in Rupees)
Total Principal Amount paid	12,21,000/-
Delay penalty (256 days x Rs. 10,000/-	25,60,000/-
Total Amount Payable	37,81,000/-

6. Learned counsel for executants submits that due to indifferent attitude of the respondent company, the executant has prayed for issuance of Recovery Certificate in these two execution cases.

7. In spite of sufficient opportunity, the respondent company did not comply the order dated 15.02.2022 passed by a Division Bench comprising Shri Naveen Verma, Hon'ble the Chairman and Smt. Nupur Banerjee, Hon'ble Member of the Authority in RERA/CC/610/2021 and RERA/CC/598/2021. On query, the Director expressed his inability to comply the above order of the Authority.

8. The bench notes that neither the respondents have complied the order dated 15.02.2022 passed in the above execution cases by Hon'ble Authority nor are they willing to do so. In such view of the matter, the

executants cannot be left to suffer for an indefinite period as the court has to do justice equally to both the parties.

9. Since the executants have requested for issuance of Recovery Certificate in compliance of the order dated 15.02.2022, the Bench has no option but to issue the recovery certificate for recovery of the payable amount of Rs. 25,60,000/- till 30.10.2025 as per the above order of the Hon'ble Authority.

10. Therefore, in the light of section 40 (1) of RERA Act, read with Rule 25 of Bihar RERA Rules, 2017, the above payable amount i.e. Rs. 25,60,000/- has to be recovered from the respondent and the same has to be paid to each of the executants. Accordingly, the recovery certificate with a copy to the executants under section 4/5 of Bihar and Orissa Public Demands Recovery Act, 1914 be issued and sent to the Collector, Patna for recovery of the payable amount of Rs. 25,60,000/- as per the order dated 15.02.2022 passed by a Division Bench of the Hon'ble Authority in the above cases. The Collector, Patna is requested to inform the Authority about the continuous process of action taken from time to time and finally after the payment of recovered amount is made to the Executants.

11. In the light of the order dated 15.02.2022 of Hon'ble Authority, the respondent is further directed to execute agreement for sale with each of executants with respect to above flat no. 101 and 104 respectively in Block -B of the project and deliver possession of flats completed in all respect at the earliest, preferably within 60 days of passing of the order.

With these directions, both the execution cases are disposed of.

Sd/-
(Ved Prakash)
Special Presiding Officer