



REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Hon'ble Chairman Mr. Vivek Kumar Singh, RERA, Bihar.
RERA/Exe./57/2024
RERA/CC/176/2023

Mr. Amar Nath Sinha ...Complainant/Executant

Vs

M/s Ghar Lakshmi Buildcon Pvt. Ltd. ... Respondent

Projects: Sarita Kunj Phase-1

Present: For Complainant: Mr. Gaurav Sharma, Adv.

For Respondent: Absent.

25/07/2024

ORDER

1. Mr. Gaurav Sharma, learned counsel appears on behalf of the complainant. The respondent is absent.
2. This execution case has been filed for compliance of the order dated 05-09-2023 passed in RERA/CC/176/2023, in which the Authority had directed the respondent company and its directors to refund the principal amount of Rs. 15,20,000/- and Rs.75,000/- as GST amount to the complainant/executant along with an interest at a marginal cost of fund-based lending rate (MCLR) of the State Bank of India (as applicable) + 2% from the date of booking to the date of refund, within sixty days of issuance of order and respondent has failed to comply the directions of the Authority till date.
3. During the course of hearing, the learned counsel for the complainant reiterated the pleadings made vis-à-vis the execution of the order dated 05-09-2023.
4. Perused the record. The respondent has failed to file any reply or appear before the Authority despite several opportunities.
5. The Authority observes that despite knowledge of the order in the said complaint case, the respondent has neither complied with the order, nor has filed any reply, nor appeared in the case. Hence, for equity and justice, the Authority is compelled to pass an order for the recovery of the said amount, as the respondent cannot be allowed to prolong the matter indefinitely.

6. The Authority directs that in order to recover the amount mentioned in the order dated 05-09-2023, 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.

7. 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 Act, which may be recovered through a certificate along with the aforesaid amount.

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

Accordingly, this matter stands disposed of.

Sd/-
(Vivek Kumar Singh)
Chairman