

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Full Bench of Hon'ble Chairman Mr. Vivek Kumar Singh & Hon'ble
Members Mrs. Nupur Banerjee & Mr. S.D. Jha, RERA, Bihar.**

**RERA/Exe.Case/212/2022
RERA/CC/1580/2020**

Sunil Kumar Sinha

...Complainant/ Executant

Vs

M/s Nissaa Realtors Pvt. Ltd.

...Respondent

Projects: Ghar Apna, Block-A,B,C & D

**Present: For Complainants: None
For Respondents: None**

26/06/2024

ORDER

Hearing taken up. Both parties are absent.

The executant has filed the present execution case for compliance with the order dated 27.10.2021 passed in RERA/CC/1580/2020, in which the Authority directed the respondent company to submit the payment schedule for the refund of the principal amount of Rs. 26,80,388/- to the complainant. The Bench further directed the respondent company to pay the above amount to the complainant along with interest at the marginal cost of fund-based lending rate (MCLR) of the State Bank of India as applicable for three years plus 2% from the date of receiving the payment until the date of making the payment within a reasonable timeframe. The complainant was at liberty to move for compensation before the Adjudicating Officer. The Bench granted liberty to the complainant to approach the Authority under relevant sections of the Act in case the respondent company fails to make the refund within the proposed time.

From the records, it appears that the executant had neither appeared before this Bench nor appeared before the S.L.C. on several dates.

As the respondent has failed to comply with the direction of the Authority, a penalty of Rs. 50,000/- is being imposed on the respondent as per Section 63 of the Act. The respondent is directed to pay the penalty amount within a month. In case of non-compliance, appropriate action will be taken as per the Act.

Send a copy of this order to the compliance wing, RERA Bihar to ensure necessary compliance.

The Authority observes that, despite knowledge of the order in the said complaint case, the respondent has neither complied with the order nor filed any reply and also didn't appear 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.

Therefore, the Authority directs that a 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, and a copy be sent to the Collector, Patna, for recovery of the aforesaid amount along with interest as ordered by the Full Bench for the period of default until the payment is made.

Accordingly, this matter stands disposed of.

Sd/-
S.D. Jha
Member

Sd/-
Nupur Banerjee
Member

Sd/-
Vivek Kumar Singh
Chairman