



REAL ESTATE REGULATORY AUTHORITY (RERA)
IN THE COURT OF ADJUDICATING OFFICER
4TH & 6TH FLOOR, BIHAR STATE BUILDING CONSTRUCTION CORPORATION CAMPUS
HOSPITAL ROAD, SHASTRI NAGAR
PATNA-800023

RERA/Execution Case No.284/2022

RERA/CC/1023/2021

Shreekant PandeyComplainant/Executant

Vs

M/s Jascon Enterbuild LimitedRespondent

Project: JASCON PALACE

ORDER

04/04/2024:

Hearing taken up. Heard Mr. Basheer Faizi, learned counsel for the executant, but Mr. Punit Kumar, learned counsel for the respondent has informed on phone that today he is unable to attend the court due to personal difficulty and prayed for one month's time to enable the respondent to comply with the order.

2. The executant has filed this case for execution of the order dated 05.05.2022 passed in Case No. RERA/CC/1023/2021 by a Single Bench of the Authority comprising of Mr. Naveen Verma, Chairman, whereby the Single Bench of the Authority while disposing of the case, was pleased to direct the respondent-company and their Directors to refund the remaining principal amount i.e. Rs.09,58,600/- (Rupees nine lacs fifty-eight thousand six hundred only) to the executant along with interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus three percent from the date of taking the booking till the date of refund within sixty days of the issue of the order. The Single Bench further directed that the allottee is at liberty to approach the Adjudicating Officer under relevant sections of the Act for their claim for compensation from the promoter.

3. Learned counsel for the executant submits that when the respondent did not comply with the aforesaid order within the stipulated period

and the exercise of amicable settlement has also failed then the executant has no other option but to file this execution case. It is further submitted that the respondent is not ready to comply with the order dated 05.05.2022 passed in Case No. RERA/CC/1023/2021 and prays to send requisition to the District Magistrate, Patna for recovery under the P.D.R. Act.

4. A petition has also been filed on behalf of the executant on 08.08.2023 stating therein the details of his claim which is on record.

5. Perused the records and from perusal of which it appears that in spite of knowledge of the above order dated 05.05.2022 the respondents have not complied order though he has entered appearance but only seeking time. Hence for equity of justice the Bench has no other option but to provide relief to the executant as she cannot be left to suffer for an indefinite period.

6. Therefore, the execution petition of the executant is allowed and Public Demand Recovery Certificate 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 also read with section 4/5 of the Bihar and Orissa Public Demands Recovery Act, 1914 with a copy to the executant and send the same to the District Magistrate, Patna for recovery of the above principal amount along with interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus three per cent from the date of taking the booking till the date of refund against the respondents.

Accordingly, the execution case is disposed of.

Sd/-

(Ambrish Kumar Tiwari)
Adjudicating Officer