

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

Execution Case No.214/2022

RERA/CC/304/2021

Anshu Kumar Complainant/Executant

Vs

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

Project: AGRANI POWERGRID NAGAR/IOB, BLOCK-C-2

ORDER

29/04/2024:

Hearing taken up. Heard Mr. Jai Ram Singh, learned counsel for the executant, but there is no representation on behalf of the respondent despite several opportunities/notices given to them.

2. The executant has filed this case for execution/compliance of the order dated 06.05.2022 passed in Case No.CC/304/2021 by a Double Bench of the Authority comprising of Mr. Naveen Verma, Chairman and Mrs. Nupur Banerjee, Member whereby the Double Bench of the Authority after considering the documents filed and submission made by both the parties directed the respondent to hand over the possession of the flat within 36 months from the date of agreement for sale. The Bench further directed the respondent to execute a fresh agreement for sale with the same terms and conditions of the previous bookings within a month and, to that extent, the ban on registration was withdrawn.

3. Learned counsel for the executant submits that when the respondent did not comply 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 06.05.2022 passed in Case No. CC/304/2021.

4. This matter was taken up for hearing on different dates but despite opportunities/notices given to the respondents they have neither filed any reply nor entered appearance. In such circumstances, this court has no other option but to proceed for ex-parte hearing.

5. Learned counsel for the executant submitted that since the respondent has failed to comply with the order dated 06.05.2022 passed in Case No. CC/304/2021 by a Double Bench of the Authority comprising of Mr. Naveen Verma, Chairman and Mrs. Nupur Banerjee, Member and the respondent is still not taking interest to execute a fresh agreement for sale with the same terms and conditions of the previous bookings hence, this execution case may be sent to the Principal Civil Court under Section 40(2) of the RERA Act, 2016, read with rule 26 of the Bihar RERA Rules, 2017 for execution/compliance of the order dated 06.05.2022 as the respondent has not taken any positive steps to comply with the above order of the Double Bench of the Authority. He has further submitted that it is the responsibility of the Director of the respondent company to execute a fresh agreement for sale with the same terms and conditions of the previous bookings which could not be complied with as yet. He has also submitted that to that extent only the ban on registration was withdrawn by the Authority.

6. In such view of the matter, the executant cannot be left to suffer for an indefinite period as the court has to do justice equally for both parties.

7. Therefore, in view of the submission of learned counsel for the executant as also in view of the inability of this Bench to execute the order dated 06.05.2022 passed in Case No. CC/304/2021 office is directed to send this execution case along with the above order of the Double Bench of the Authority under

Section 40(2) of the RERA Act, 2016, read with rule 26 of the Bihar RERA Rules, 2017 to the Principal Civil Court through the learned District Judge, Patna with a request to execute/comply the order dated 06.05.2022 passed by a Double Bench of the Authority in Case No.CC/304/2021 in its letter and spirit, with a further request to inform the Authority about the outcome of the execution case.

Sd/-

(Ambrish Kumar Tiwari)
Adjudicating Officer