

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mrs. Nupur Banerjee, Member

Execution Case No. 08/2021, RERA/CC/814/2019

Dr. Prashant Chandra Sinha.....Complainant

Vs.

M/s Ashwani Enterprises Pvt. Ltd.....Respondent

ORDER

18-02-2022

The matter was last heard on 14-01-2022.

The complainant had filed a complaint petition under section 31 of the Real Estate (Regulation & Development) Act, 2016 against M/s Ashwani Enterprises Pvt. Ltd stating therein that he has paid full consideration amount of Rs.10.42 lakh to respondent company for the piece of land measuring 2800 sq.ft. But the possession of the land has been not handed over to him by the respondent company. He further states in complaint petition that since, the possession has not given, the respondent has admitted to refund the principal amount and when he had not refund the same then complainant had filed complaint before RERA. However, respondent had refund the principal amount during the course of hearing but as per order passed by the Authority dated 28-12-2020 interest amount is still due.

The complainant, in this Execution Petition filed on 05/02/2021 has submitted that final order dt.28-12-2020 was passed directing the respondent to pay interest at the rate of (MCLR) of the State Bank of India plus two percent from the payment dated 2010 and 2011 respectively, on the amount deposited plus registry charge will be refunded by the respondent within 30 days of issue of this order in two installments. Further, the complainant was directed to execute return registration deed draft to respondent within 30 days of refund of full interest amount.

During the course of hearing on 10-12-2021, learned counsel appear on the behalf of complainant had submitted that in this case order was passed on 28-12-2020 and after filing, this case, they started paying after long delay and pray

to direct the respondent to pay in shorter period so that complainant can also return the land.

Mr. Ritu Raj Kumar Singh, present in person, representing respondent company had submitted that respondent is paying the amount as per schedule. Learned counsel for the complainant has opposed the submission of respondent that he had not received the schedule for payment.

The bench had directed during the hearing on 10-12-2021 to the respondent to file payment schedule after serving the same to complainant within a week. The bench notes that the respondent has not filed the payment schedule and complied with the direction given on hearing dated 10-12-2021.

During the last hearing on 14-01-2022, both complainant and respondent are absent.

On the basis of the submissions and taking into consideration the documents filed, the bench observed and directs the respondent and their directors to pay the balance amount as per the payment schedule in light of order passed by the Authority on 28.12.2020 within 15 days from the issuance of this order. In case of failure to comply with the order within the stipulated time frame, recovery certificate under P.D.R. Act and criminal complaint case as per provision of the RERA Act, 2016 will be instituted against the respondent company and their directors.

The bench also directs the complainant to honour the order dated 28.12.2020 and execute return registration deed draft to respondent after receiving of full interest amount.

Sd/-

Nupur Banerjee
Member