REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Full Bench of Mr. Vivek Kumar Singh, Chairman, Mrs. Nupur Banerjee, Member & Mr. S.D. Jha, Member.

RERA/Exe./447/2023

RERA/CC/1283/2021

...

Mrs. Sony Sinha

.... Complainant/ Executant

Vs

M/s Agrani Homes Pvt. Ltd.

.....Respondent

Project: <u>IOB Nagar " Block-U"</u>

Present:

For the Respondent: None.

12/06/2024

Hearing taken up. Shri Akash Deep, Advocate appears for the executant. None has appeared for the respondent.

For the Executant: Mr. Akash Deep, Advocate

The executant has filed the present execution case for compliance of the order dated 13.01.2023 passed in RERA/CC/1283/2021by which the Authority has directed the respondent company and its Directors to refund the principal amount of Rs. 15 lakh to the complainant/ executant along with interest within sixty days of issue of this order. It was also observed that the interest would be paid at the rate of marginal cost of fund-based lending rate (MCLR) of State Bank of India as applicable for three years plus 2% interestfrom the date of booking till the date of refund.

The learned counsel for the Executant Shri Akash Deep submits that till date nothing has been paid to the executant, hence the present petition has been filed for giving direction to the respondents to comply with the order of the Authority.

The Authority observes that in spite of knowledge of the order in the said complaint case, neither the respondent has complied with the order nor filed any reply nor appears in the case. Hence, for equity of justice the Authority is compelled to pass an order for recovery of the said amount as the respondent cannot be allowed to linger the matter for an indefinite period. Therefore, let a Public Demand Recovery notice be issued under Section 40(1) of the RERA Act, 2016, read with Rule 25 of the Bihar Estate (Regulation and Development) Rules, 2017, and sections 4/5 of the Bihar and Orissa Public Demand Recovery Act, 1914. A copy shall be sent to the Collector, Patna, for the recovery of the aforementioned amount along with interest as ordered by the Full Bench.

Accordingly, this matter stands disposed of.

Sd/-	Sd/-	Sd/-
S.D. Jha	Nupur Banerjee	Vivek Kumar Singh
Member	Member	Chairman