

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./504/2023

RERA/CC/391/2019

Manjula Sahay

.... Complainant/ Executant

Vs

M/s Realize Realcon Pvt. Ltd.

.....Respondent

Project: Realize Green Exotica

Present: For the Executant: None.

**For the Respondent: Mr. Shailendra Kumar Giri,
Director**

12/06/2024

ORDER

Hearing taken up. The Executant is absent. Shri Shailendra Kumar Giri, Director of the respondent company, has appeared.

The executant has filed the present execution case for compliance with the order dated 25.06.2023, passed in RERA/CC/391/2019. The Authority directed the respondent company and its Directors to refund the remaining amount of Rs. 11,55,000/- to the complainant/executant along with interest within sixty days of the order's issuance. It was also directed that interest would accrue at a rate of two percent above the marginal cost of lending rate (MCLR) of State Bank of India prevailing on the due date.

Today, the executant is absent. Shri Shailendra Kumar Giri, Director of the respondent company, appears and states that the project has been taken over by a new promoter, M/s Westend Pvt. Ltd., and an agreement has been executed with them. Therefore, he asserts his inability to make payment to the executant and requests time to file a reply. The Authority observes that further adjournment of the case would serve no purpose.

The Authority notes that despite being aware of the order in the complaint case, the respondent has neither complied nor filed any reply. Therefore, in the interest of justice, the Authority is compelled to order the recovery of the said amount, as the respondent cannot delay the matter indefinitely.

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 is disposed of.

Sd/-
S.D. Jha
Member

Sd/-
Nupur Banerjee
Member

Sd/-
Vivek Kumar Singh
Chairman