

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mr. Ved Prakash,
Special Presiding Officer
Exe. Case No – 409/2024
RERA/CC/110/2023

PawanKumar Singh Vs.Complainant/Executant(s)
M/s Soho Infrastructure Pvt. Ltd.Respondent
PROJECT : Soho Badri Narayan Enclave, Block -B
For the complainant : Mr. Punit Kumar (Adv.)
For the respondent : None

17.06.2025

ORDER

Shri Punit Kumar, learned counsel on behalf of executant is present, but the respondent promoter is absent.

2 Learned counsel by filing a petition submits that the complainant/executant is in possession of flat no. 401 in Block –B of the project, Soho Badri Narayan Enclave situated at Vijay Nagar, Hanuman Nagar, Kankarbagh since May, 2024. Hence, the order may be passed with direction to the PMC to issue NOC and direction to the Registrar, Patna for registration of unilateral sale deed with respect to flat no. 401 in favour of the executant.

3 Considering submissions as well as on going through the record, it appears that respondent promoter, in spite of notice, is neither appearing before the bench nor is making compliance to the order dated 28.08.2024 passed by Hon'ble D.B comprising Hon'ble Chairman, Shri Vivek Kumar Singh and Hon'ble Member, Shri S.D. Jha in RERA/CC.110/2023 and in spite of possession of flat by the complainant/executant, he is not executing sale deed with respect to the flat in favour of the executant. Hence, the bench has no option but to order for registration of unilateral sale deed in favour of the complainant /executant with respect to the above flat in possession of executant.

4 Since the respondent promoter is absconding, the executive officer of Patna Municipal Corporation (PMC) is directed to make an inquiry on the application of the executant filed under section 21 of Bihar Apartment

Ownership Act, 2006 and on being satisfied, he shall issue certificate in the form of NOC in this respect with direction to the Registrar, Patna for an unilateral execution and registration of sale deed on presentation by the executant/complainant with respect to flat no. 401 in Block-B of the project, Soho Badri Narayan Enclaves situated at Hanuman Nagar, Kankarbagh, Patna and Registrar, Patna is also directed to register unilateral sale deed presented before him by the complainant /executant with respect to the above flat of the project, Soho Badri Narayan Enclave in favour of the executant/complainant.

5. However, the executive officer, PMC is further directed that he, before issuance of certificate, has to be satisfied with regard to payment of remaining consideration, as the complainant/executant has paid only Rs. 32,00,000/- out of total consideration Rs. 40,78,900/- as per above order of the Hon'ble Authority dated 28.08.2024 passed in RERA/CC/110/2023.

6. However, as per para 5 of the above order of the Hon'ble Authority, the respondent has not made compliance of the order dated 24.07.2024 passed by the Hon'ble Authority, whereby the penalty amount of Rs. 50,000/- imposed on the respondent under section 63 of the RERA Act, 2016 was still not deposited by the respondent promoter. The Hon'ble Authority has further directed in the same order that in case of failure of payment of penalty amount, an additional amount of penalty of Rs. 1000/- per day shall be imposed since 09.09.2024 till the payment of the penalty amount, but as yet, neither the respondent promoter complied the order of the Hon'ble Authority nor deposited the penalty amount.

7. Hence, issue the recovery certificate for recovery of the above penalty amount against the respondent promoter under section 40 (1) of RERA Act, read with Rule 25 of Bihar RERA Rules, 2017 and section 4/5 of the Bihar and Orissa Public Demand Recovery Act, 1914 and send to the Collector, Patna with request to recover the above amount and to deposit the same in the A/c of the Authority.

With these observations and directions, the case is disposed of.

Sd/-
(Ved Prakash)
Special Presiding Officer