

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mr.Ved Prakash,
Senior Legal Consultant

Exe. Case No. /13/2021
RERA/CC/303/2019

Shakuntala Devi ...Executants(s)
Vs.
M/s Phenomenal Project Pvt. Ltd. ...Respondent (s)

PROJECT- N/A

For the Executant : In Person
For the respondent : None

16.08.2024

ORDER

The executant appears through virtual mode, but her son, Shri Sanjeev Ranjan and Shri Sumit Kumar, learned counsel on behalf of respondent are physically present.

2. The executant submits that in spite of repeated requests and directions issued by the present bench, the respondent is not making refund of the principal amount of Rs. 6,96,000/- along with interest on total principal amount to her and now he is taking a plea that an appeal no. 15/2024 is pending before the Hon'ble Tribunal against the order dated 29.01.2024 passed by this bench as well as order dated 02.01.2021 passed by the Hon'ble Members of the Authority in RERA/CC/303/2019. Hence, recovery certificate may be issued against the respondent promoter and no adjournment should be allowed as the executant has been suffering since long and she is also an old lady.

3. On the other hand, learned counsel for respondent files a petition, submitting therein that the respondent was directed to produce stay order against the above orders, but the said appeal no. 15/2024 filed by the respondent before the Hon'ble Tribunal is not being listed for hearing as the coram was not available for hearing. He further submits that the Member (Judicial) and the Chairman have already been appointed by the competent Authority and for technical Member, vide order dated 12.08.2024, the Hon'ble High Court in CWJC no. 6224/2024 has allowed four weeks' time on

submissions, and has stated that the selection committee has already held its meeting and Administrative Member of the said Appellate Tribunal shall be appointed very soon. Hence, by way of last opportunity, the respondent prays for one month's time to bring the stay order of the Hon'ble Tribunal against the above orders.

4. Considering submissions of the parties as well as on going through the record, it appears that on previous dates i.e. 21.06.2024 and 15.07.2024, the same request was made by learned counsel for respondent, but he could not produce the said order and as submitted, the old lady has been suffering due to non-compliance of the above order dated 02.01.2024 passed by Hon'ble Members of the Authority in RERA/CC/303/2019 and order dated 29.01.2024 passed by this bench. The petition of the respondent is accordingly rejected and the office is directed to issue recovery certificate for recovery of the principal amount of Rs. 6,96,000/- as well as accrued interest on the total principal amount as per above order of the Hon'ble Members of the Authority and the order dated 29.01.2024 passed by this bench.

5. In view of the above discussion, the bench is of the opinion that there is no need to continue the proceedings of this case.

6. With the above observations/directions, the present case is accordingly disposed of.

Sd/-
(Ved Prakash)
Senior Legal Consultant,
RERA, Bihar, Patna
16.08.2024