

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mr.Ved Prakash,
Special Presiding Officer

Exe. Case No./362/2024
RERA/CC/297/2021

Nishant Kumar

...Executants(s)

Vs.

M/s Agrani Homes Real Marketing Pvt. Ltd.

...Respondent (s)

PROJECT- Agrani SBI Nagar

For the Executant :

Mr. Sumit Kumar (Adv.)

For the respondent :

Mr. Alok Kumar (Director)

27.03.2025

ORDER

On order of the Authority, notices were issued to both the parties for appearance in the present execution case and with direction to the respondent to comply with the order dated **27.12.2022** passed by Shri Naveen Verma, Hon'ble Chairman of the Authority in **RERA/CC/297/2021** and to refund the Principal amount of **Rs.14,63,000/-** along with interest to the executant / complainant, whereon Shri Sumit Kumar, learned counsel on behalf of the executant appears in person, but Shri Alok Kumar, Director of respondent company is produced by jail authorities of Phulwarisharif jail through video conferencing. In spite of sufficient opportunity, the respondent company did not comply the order of the Hon'ble Chairman. On query, the Director expressed his inability to comply the above order of the Authority.

2. The bench notes that neither the respondents have complied the order dated **27.12.2022** passed in the above case by Hon'ble Chairman of the Authority nor are they willing to do so. In such view of the matter, the executant cannot be left to suffer for an indefinite period as the court has to do justice equally to both the parties.

3. Since the executant has requested for refund with interest, the Bench notes that it is the responsibility of the Directors of the respondent company to arrange the necessary resources to process the refund to the executant.

4. Therefore, in the light of section 40 (1) of RERA Act, read with Rule 25 of Bihar RERA Rules, 2017, the above amount along with the accrued interest has to be recovered from the respondent and the same has to be paid to the executant. Accordingly, the recovery certificate with a copy to

the executant under section 4/5 of Bihar and Orissa Public Demands Recovery Act, 1914 be issued and sent to the Collector, Patna for recovery of the principal amount of **Rs. 14,63,000/-** along with interest on the total principal amount as per the order dated **27.12.2022** passed by Hon'ble Chairman of the Authority in the above case. The Collector, Patna is requested to inform the Authority about the continuous process of action taken from time to time and finally after the refund is made to the Executant.

Sd/-
(Ved Prakash)
Special Presiding Officer
27.03.2025