

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

Exe. Case No./365/2024
RERA/CC/912/2020

Mr. Ashish Kumar

...Executants(s)

Vs.

M/s Agrani Homes Real Services Pvt. Ltd.

...Respondent (s)

PROJECT- Patliputra Enclave

For the Executant :

In Person

For the respondent :

Mr. Alok Kumar (Director)

06.03.2025

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 **27.09.2021/29.11.2021** passed by Full Bench of the Authority, comprising Shri Naveen Verma, Hon'ble Chairman, Shri R.B. Sinha and Smt. Nupur Banerjee, Hon'ble Members of the Authority in **RERA/CC/912/2020** and to refund the Principal amount of **Rs.3,00,000/-** along with interest to the executant / complainant, whereon the executant is present in person, but Shri Alok Kumar, Director of respondent is produced by jail authorities of Phulwarisharif jail through video conference. On query, the director expressed his inability to comply the above order of the Hon'ble Full Bench of the Authority.

2. It is, however, made clear that pursuant to the above order of the Hon'ble Authority, the respondent has made refund of Rs. 87,000/- only to the executant out of total principal amount of Rs. 3,00,000/- as reflected in the order of the Authority dated 31.05.2022. Hence, the recovery of remaining principal amount of Rs. 2,13,000/- along with interest has to be made and paid to the executant and the recovery certificate has to be issued accordingly.

3. It is observed that neither the respondents have fully complied with the order dated **27.09.2021/29.11.2021** passed in the above case by Hon'ble Full Bench of the Authority nor are they ready to comply. In such view of the matter, the executant cannot be left to suffer for indefinite period as the court has to do justice equally to both the parties.

4. 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.

5. 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 above principal amount of **Rs. 2,13,000/-** along with interest as per the order dated **27.09.2021/29.11.2021** passed by Hon'ble Full Bench 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
06.03.2025