

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

Hon'ble Member Mr. S. D. Jha, RERA, Bihar,

RERA/CC/687/2019

Mr. Bairister Shahi Complainant

Vs.

M/s Raman and Kumar Construction Pvt. Ltd. Respondent

Project:- RAJA RAM PALACE

ORDER

14.10.2024 Hearing taken up. Ms. Kriti Suman, Advocate, appears for the complainant. Mr. Sumit Kumar, Advocate, appears for the respondent.

Learned counsel for the complainant submits that the word "urges" in the penultimate paragraph of the order dated 18.02.2022 is creating hurdle in obtaining order in the execution case filed by the complainant before the A.O.RERA. Hence, by filing the rectification petition she requests for replacing the word "urges" with the word "directs" in the aforesaid order.

Learned counsel for the respondent submits that the rectification petition is not maintainable because the Authority in the order dated 18.02.2022 did not pronounce any direction regarding payment of interest, rather the complainant was given liberty to approach the Consumer Commission or any other Court for seeking interest and compensation. Further, on the basis of the aforesaid order the complainant has already filed a case before the Adjudicating Officer, RERA, for compensation which has been challenged in the Real Estate Appellate Tribunal.

Learned counsel for the complainant submits that since the respondent many a times submitted and expressed willingness to refund the principal amount, the Authority, while passing the order, thought that the respondent – promoter is under legal obligation to pay the

interest and, therefore, the Authority used the word “urges” in the order in place of “directs”. She further submits that the complainant has not been paid even the principal amount so far, to which the respondent’s counsel submits that since the complainant has already filed a case for execution which is pending and the said issue is not the subject matter here before the Authority.

Perused the record including the order dated 18.02.2022. The Authority observes that the request for replacing the word “urges” with the word “directs” in the order dated 18.02.2022 would amount to review or change the substantive part of the order because the last two lines of penultimate paragraph of the order further speaks that “the complainant may also approach the Consumer Commission or any other Court for that regard for seeking interest and compensation”.

Taking into consideration the aforesaid facts, the rectification petition is rejected and, accordingly, the same is disposed of.

Sd/-
S.D. Jha,
Member