

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/EX./139/2021

RERA/CC/418/2019

Shivodhani Singh Complainant

Vs.

M/s Agrani Homes Pvt. Ltd. Respondent

For the complainant: Ms. Snigdha, Advocate

For the Respondent: None

Project:- SAMPATCHAK

ORDER

09.09.2024 Hearing taken up. Ms. Snigdha, Advocate, appears for the complainant. The respondent is absent.

Learned counsel for the complainant files copy of money receipt of Rs.8,24,720/- as directed vide proceeding dated 04.07.2024. Let it be kept on the record.

Learned counsel for the complainant submits that in proceeding dated 01.08.2024 the Director of the respondent - company had appeared through video conferencing from Phulwarisharif jail and submitted that he has no fund to refund the principal amount and to pay interest to the executant as per order dated 19.09.2022 passed in RERA/CC/418/2019. She requests for imposition of penalty upon the respondent as till date no payment has been made by the respondent.

Perused the record. The respondent has failed till date to comply with the order dated 19.09.2022 of the Authority passed in RERA/CC/418/2019 as the respondent has not refunded the principal amount of Rs.8,24,720/- along with interest at the rate of marginal cost of fund-based lending rates (MCLR) of State Bank of India as applicable for three years plus five percent from the date of taking booking till the date of refund within sixty days of issue of this order. Hence, for equity

and justice, the Authority is compelled to pass an order for the recovery of the said amount as the respondent cannot be allowed to prolong the matter indefinitely.

The Authority directs that in order to recover the amount mentioned in the order dated 19.09.2022, a certificate of Public Demand Recovery be issued under Section 40(1) of the RERA Act, 2016 read with Rules 25 of the Bihar Real Estate (Regulation and Development) Rules, 2017, and Section 4/5 of the Bihar and Orissa Public Demand Recovery Act, 1914.

In view of the continued non-compliance of the order of the Authority a penalty of Rs.50,000/- is being imposed on the respondent by the Authority under Section 63 of the RERA Act, 2016, which may be recovered through the certificate along with the aforesaid amount.

A copy of the order be sent to the Collector, Patna for recovery of the aforesaid amounts

Accordingly, this case is disposed of.

Sd/-
S.D. Jha,
Member