

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/EX./15/2024

RERA/CC/901/2020

RERA/AO/260/2020

Bharat Bhushan Complainant

Vs.

M/s GrihVatika Homes Pvt. Ltd. Respondent

For the complainant: Mr. Mukesh Kumar, Advocate

For the Respondent: Mr. Ankit Kumar, Advocate

Project:- LIBRA HERITAGE

ORDER

04.10.2024 Hearing taken up. Mr. Mukesh Kumar, Advocate, appears for the complainant. Mr. Ankit Kumar, Advocate, appears for the respondent.

Learned counsel for the complainant submits that neither the principal amount nor the interest has been paid by the respondent so far and he requests that this matter may be referred to the Collector, Patna, under the PDR for recovery of the amount.

He further submits that this execution case has been filed for compliance of the order dated 14.07.2023 passed in RERA/CC/901/2020/ RERA/AO/260/2020, in which the Authority had directed the respondent – company and its Directors to refund the principal amount of Rs.5,06,000/- to the complainant 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 two percent calculated from the date of deposit till the date of refund within 60 days of issue of the order but the respondent has failed to comply with the directions of the Authority till date.

Perused the record. It is evident that the respondent has failed to file any reply despite several opportunities provided by the Authority.

The Authority observes that despite knowledge of the order in the said complaint case, the respondent has neither complied with the order nor has filed any reply. 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 of Rs.5,06,000/- as mentioned in the order dated 14.07.2023, 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/- was imposed on the respondent by the Authority under Section 63 of the RERA Act, 2016 vide proceeding dated 09.09.2024, which may be recovered through the certificate along with the aforesaid amounts.

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

With the above directions and observation, this case is disposed of.

Sd/-
S.D. Jha,
Member