

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Bench of**

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

RERA/EX./200/2024

RERA/CC/578/2022

Chanchal Kumar ..... Complainant

Vs.

M/s Bhootesh Construction Pvt. Ltd. .... Respondent

For the complainant: None

For the Respondent: None

**Project:- N/A**

**ORDER**

**06.09.2024** Hearing taken up. The complainant and the respondent both are absent.

This case has been filed for compliance of the order dated 13.12.2023 passed in RERA/CC/578/2022, in which the Authority had directed the respondent company and its Directors to refund the principal amount of Rs.8,50,000/- to the complainant/executant along with interest at 2% above the prevalent Prime Lending Rates of the State Bank of India on the date on which the amount becomes due till the date of payment within sixty days of issues of the order but the respondent has failed to comply with the directions of the Authority till date.

Perused the record. The respondent has failed to file any reply or appear before the Authority despite several opportunities.

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 nor appeared in the case. 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 13.12.2023, a certificate of Public Demand Recovery be issued under Section 40(1) of the RERA Act, 2016 read with Rule 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 matter is disposed of.

**Sd/-**  
**S.D. Jha,**  
**Member**