

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/EX./33/2023

RERA/CC/1704/2020

Santosh Kumar Complainant

Vs.

M/s Vision Land Pvt. Ltd. Respondent

Project:– VISION GALAXY, POARISE TITANIUM

ORDER

08.10.2024 Hearing taken up. The complainant appears in person. Mr. Rahul Srivastava, Advocate, appears for the respondent.

The complainant submits that neither the principal amount nor the interest has been paid by the respondent and he requests that this matter may be referred to the Collector, Patna, under the PDR for recovery of the amount, to which the respondent's counsel submits that due to financial crunch the respondent – promoter could not make payment and he also submits that this matter may be referred to the Collector for recovery of the amount through PDR.

The complainant further submits that this execution case has been filed for compliance of the order dated 02.06.2022 passed in RERA/CC/1704/2020 in which the Authority had directed the respondent – company and its Directors to refund the principal amount of Rs.19,18,037/- to the complainant along at the rate of marginal cost of fund based lending rate (MCLR) of State Bank of India as applicable for three years or more plus 6 percent from the date of taking the booking till the date of refund within sixty days of issue of this order but the respondent has failed to comply with the direction of the Authority till date.

Perused the record. It is evident that 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 positive 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 mentioned in the order dated 02.06.2022, 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.

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