



REAL ESTATE REGULATORY AUTHORITY (RERA)
IN THE COURT OF ADJUDICATING OFFICER
4TH & 6TH FLOOR, BIHAR STATE BUILDING CONSTRUCTION CORPORATION CAMPUS
HOSPITAL ROAD, SHASTRI NAGAR
PATNA-800023

RERA/Execution Case No. 27/2019

RERA/CC/346/2019

RERA/AO/68/2019

Sri Nagendra Singh Complainant/Executant
Vs
M/s Agrani Homes Real Construction Pvt. Ltd.Respondent

Project: AGRANI EMERALD

ORDER

06/02 /2023:

Hearing taken up. Sri Abhinay Kumar Singh, son of the executant appears on his behalf, but the respondent is absent.

The executant has filed this execution case for execution of the order dated 04.09.2019 passed in Case No. RERA/CC/346/2019/ RERA/AO/68/2019 by which this Court has been pleased to allow the complaint case ex-parte with litigation cost of Rs.10,000/- (Rupees ten thousand) against the respondent and the respondent was directed to refund the remaining capital amount of Rs.10,00,000/- (Rupees ten lacs) to the executant. The respondent was further directed to pay simple interest @ 10.45% per annum applicable till date i.e. 04.09.2019 of Rs.3,93,020.21 accrued on principal amount of Rs.10,00,000/-. The respondent was further directed to pay simple interest @ 10.45% per annum on Rs.10,00,000/- till the date of actual payment. The respondent was further directed to pay Rs.2,00,000/- (Rupees two lacs only) as compensation to the executant for his physical and mental harassment. The respondent was also directed to comply with the order within 60 (sixty) days, failing which the

complainant/executant is entitled to enforce the order through the process of the court.

It is submitted on behalf of the executant that when the respondent did not comply with the aforesaid order within the stipulated period then the executant has no other option but to file this execution case. It is further submitted that the respondent is not ready to comply with the order dated 04.09.2019 passed in Case No. RERA/CC/346/2019/ RERA/AO/68/2019 and prays to send requisition to the District Magistrate, Patna for recovery under the P.D.R. Act. To the aforesaid effect a petition has been filed on behalf of the executant as also the calculation chart.

Perused the records. From perusal of the record it appears that in spite of knowledge of the above order dated 04.09.2019 neither the respondent has complied with the order nor appeared to reply on the petition of the executant, hence for equity of justice the Bench has no other option but to provide relief to the executant as he cannot be left to suffer for an indefinite period.

Therefore, the execution petition of the executant is allowed and Public Demand Recovery certificate 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 also read with section 4/5 of the Bihar and Orissa Public Demands Recovery Act, 1914 with a copy to the executant and send the same to the District Magistrate, Patna for recovery of the above principal amount along with interest accrued on principal amount as also the litigation cost and compensation against the respondents.

Accordingly, the execution case is disposed of.

Sd/-
(Ambrish Kumar Tiwari)
Adjudicating Officer