

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Single Bench of Mrs. Nupur Banerjee**

**Execution Case No.85/2020, 86/2020, 88/2020, 92/2020**

**Manish Prakash/ Suman Chatruvedi/ Sheela Devi/ Sandeep Parashar**

.....Complainants

**Vs**

**M/s S.D. Construction & Developers Pvt. Ltd. ....Respondent**

**Present: For Complainant: In person**

**For Respondent: Mr. Rajesh, Advocate**

**26/08/2022**

**PROCEEDING**

Hearing taken up. Both parties are present.

The complainant submits that they have not returned the amount. He contacted the respondent and they gave assurance but nothing has been paid.

Learned counsel for the respondent submits that the company is totally bankrupt.

The Bench observes that the order was passed in Complaint Case, with following below direction:-

*“The Bench orders the respondent firm M/s S D Constructions and Developers and their two partners to refund the remaining amount of the deposits to all complainants with interest at the rate MCLR of SBI plus two percent from the date of deposit to the date of refund, within sixty days of issue of this order”.*

In the light of above order passed in complaint case, the Bench observes that the respondent was given ample of opportunity to comply the direction of the Authority but they have not complied the same and even during the course of execution hearing also, the respondent was given opportunity to comply the order but no affirmative action has been taken by the respondent so far and today learned counsel for respondent only submitting that the company is totally bankrupt, cant not escape respondent from their liability as they had taken the money of complainant and has not discharged their obligation due to which order for refund has been passed, hence, the Bench directs to issue recovery

certificate against the respondent under P.D.R. Act as per section 40(1) of the RERA Act, 2016.

Sd/-

Nupur Banerjee  
Member