

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

Execution Case No.87/2020

Mukesh Kumar SunnyComplainant

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.

A show cause has been filed on behalf of the respondent.

The complainant submits that they have not returned the amount of Rs.7.75 lakh. 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 respondents only submitting that the company is totally bankrupt, cant not escape 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