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.171/2022

RERA/CC/1014/2021

Neha Sinha …… …….. Complainant/Executant

Vs

M/s Anu Anand Construction Pvt. Ltd. …..…..Respondent

Project: RAJENDRA PRASAD COMPLEX

ORDER

16/05/2023: Hearing taken up. Heard Mr. Vishwajeet Singh, husband of the executant on her behalf, but there is no representation on behalf of the respondent.

The executant has filed this case for execution of the order dated 28.01.2022 passed in Case No. RERA/CC/1014/2021 by a Single Bench of Mr. Naveen Verma, Chairman whereby the Single Bench of the Authority while disposing of the case was pleased to direct the respondent company to refund the amount of. Rs.5,80,000/- to the complainant along with interest thereon at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years from the date of taking the booking till the date of refund within sixty days of issue of the order.

The executant submits that when the respondent did not comply with the aforesaid order within the stipulated period and the exercise of amicable settlement has also failed then the executant has no other option but to file this execution case. He further submits that the respondent is not ready to comply with the order dated 28.01.2022 passed in Case No. RERA/CC/1014/2021 and prays to send requisition to the District Magistrate, Patna for recovery under the P.D.R. Act.

The executant files a petition stating therein the details of property of the respondent including the calculation chart of his claim. Let the same be kept on record.

Perused the records and from perusal of which it appears that in spite of knowledge of the above order dated 28.01.2022 neither the respondents have 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 she 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 at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years from the date of taking the booking till the date of refund against the respondents.

Accordingly, the execution case is disposed of.

Sd/-

(Ambrish Kumar Tiwari)
Adjudicating Officer