**REAL ESTATE REGULATORY AUTHORITY, BIHAR**
**Before the Bench of Mr.Ved Prakash, Senior Legal Consultant**

**Exe. Case No. /11/2021**
**RERA/CC/322/2019**

**SunitaKumari and Anand Mohan ...Executants(s)**

**Vs.**

**M/s ReaizeRealconPvt. Ltd. ...Respondent (s)**

**PROJECT- N/A**

**For the Executant : Present**
**For the respondent : None**

**06.04.2023**

**O R D E R**

On order of the Authority, notices were issued to both the parties for appearance in the present execution case and with direction to the respondent to comply with the order dated **30.12.2020** passed by the Hon'ble the Authority in **RERA/CC/322/2019** and to refund the remainingprincipal amount of **Rs. 11,00,000/- (Rupees Eleven Lakhs only)** Out of Total Principal amount Rs. 15 Lakhs along with interest to the executants / complainant on total Principal amount whereon the executant appears, but the respondent is absent. In spite of several opportunities, the respondent has not taken pain to comply with the above order passed by Hon'ble Authority.

2. Neither the respondent has complied with the order dated **30.12.2020** passed in the above case by the Hon'ble Authority nor has taken pain to appear before the court that they are ready to comply. In such view of the matter, the executant cannot be left to suffer for indefinite period as the court has to do justice equally to both the parties.

3. Since the executant has requested for refund with interest, the Bench notes that it is the responsibility of the Directors of the respondent company to arrange the necessary resources to process the refund to the executant.

4. Therefore, in the light of section 40 (1) of RERA Act, read with rule 25

of Bihar RERA Rules, 2017, the above amount along with the accrued interest has to be recovered from the respondent and the same has to be paid to the executants. Accordingly, the recovery certificate with a copy to the executant under section 4/5 of Bihar and Orissa Public Demands Recovery Act, 1914 be issued and sent to the Collector, Patna for the recovery of the above amount of **Rs. 11,00,000/- (Rupees Eleven Lakhs only)** with interest as per the order dated **30.12.2020** passed by the Hon'bleAuthority in the above case and also to recover the penalty of **Rs. 1,00,000/-** so imposed upon the respondent and its Director by the Authority. The Collector, Patna is requested to inform the Authority about the continuous process taken from time to time and finally after the refund is made to the Executants and the penalty of **Rs. 1,00,000/-** so imposed upon the respondent/Director is credited in the Account of the Authority.

Sd /-
**( Ved Prakash )**
Senior Legal Consultant,
RERA, Bihar, Patna
06.04.2023