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

Exe. Case No. /36/2023
RERA/CC/1197/2020

Mr. Prabhu Dayal Sharma ...Executants(s)

Vs.

M/s Ghar Lakshmi Buildcon Pvt. Ltd. ...Respondent (s)

PROJECT- Income Tax Residency

For the Executant : In Person
For the respondent : None

18.07.2023 **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 **22.10.2021** passed by Shri R.B. Sinha, Hon'ble Member of the Authority in **RERA/CC/1197/2020** and to refund the principal amount of **Rs. 13,20,000/-** along with interest to the executant / complainant, 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 the Hon'ble Member of the Authority.

2. Neither the respondent has complied with the order dated **22.10.2021** passed in the above case by the Hon'ble Member of the 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 **Rs 13,20,000/-** with interest as per the order dated **22.10.2021** passed by the Hon'ble Member in the above case. 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 Executant.

Sd /-
(Ved Prakash)
Senior Legal Consultant,
RERA, Bihar, Patna
18.07.2023