# 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.85/2021**
**RERA/CC/755/2019**
**RERA/AO/443/2020**

Mrs. Minakshi Mehta …….. ……. Complainant/Executant

Vs

M/s Ghar Lakshmi Buildcon Pvt. Ltd. ……. …..…..Respondent

**Project: SARITA KUNJ, PHASE-II**

**ORDER**

**07-08-2023:** Hearing taken up. Heard the executant in person, but there is no representation on behalf of the respondent.

The executant has filed this case for execution of the order dated 06.04.2021 passed in Case No. RERA/CC/755/2019/RERA/AO/443/2020 by which this Court has been pleased to allow the complaint case partly on contest with litigation cost of Rs.10,000/- (Rupees ten thousand only) against the respondents and the claim of the executant for execution of registered Sale Deed and delivery of possession of the Flat No.201 in Block-B of the Project "Sarita Kunj- Phase-II" of the respondent was rejected/dismissed, but the respondents were directed to refund the advanced principal amount of Rs.2,00,000/- (Rupees two lacs only) to the executant along with accrued simple interest @ 9.20% per annum thereon since the date of payment of respective amount by the executant to the respondents till refund of the said amount by the respondents to the executant. The respondents were further directed to pay Rs.30,000/- (Rupees thirty thousand only) to the executant for her economical, physical and mental harassment. The respondents were also directed to comply with the order within 60 (sixty) days, failing which the

complainant/executant is entitled to get enforced the order through the process of the court.

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 06.04.2021 passed in Case No. RERA/CC/755/2019/ RERA/AO/443/2020 and prays to send requisition to the District Magistrate, Patna for recovery under the P.D.R. Act.

**Learned counsel for the executant has filed a petition stating therein that she has received Rs.50,000/- (Rupees fifty thousand only) from the respondent on 15.03.2023 through NEFT and the remaining amount is yet to be refunded by the respondent. Let it be kept on record.**

Perused the records and from perusal of which it appears that in spite of knowledge of the above order dated 06.04.2021 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 Demand 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 accrued on principal amount after adjusting Rs.50,000/- as also the litigation cost and compensation amount against the respondents.

Accordingly, the execution case is disposed of.

**Sd /-**
**(Ambrish Kumar Tiwari)**
**Adjudicating Officer**