

(2023) 11 MP CK 0053
In the Madhya Pradesh High Court
Case No : Writ Petition No. 28867 Of 2023

Prashant Datey

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 21-11-2023

Acts Referred:

Constitution Of India, 1950 — Article 226
Madhya Pradesh Real Estate (Regulation And Development) Rules, 2017 — Rule 27
Real Estate (Regulation And Development) Act, 2016 — Section 40(1)
Madhya Pradesh Land. Revenue Code, 1959 — Section 155(C)

Citation : (2023) 11 MP CK 0053

Hon'ble Judges : Milind Ramesh Phadke, J

Bench : Single Bench

Advocate : R.K. Sharma, Padmashri Agarwal

Final Decision : Disposed Of

Judgement

Milind Ramesh Phadke, J

The instant petition under Article 226 of the Constitution of India has been preferred by the petitioner seeking following reliefs:-

(a) That, the present petition may kindly be allowed and the Respondent No.2 may kindly be directed to issue RRC and implement and recover the amount of order dated 23.01.2023 mentioned herein alongwith interest at the rate of 12% per annum from respondents No.3 and 4 within a period of 15 days;

(b) That, any other writ, order or direction as this Hon'ble Court deems fit in the light of facts and circumstances of the present case be granted to the petitioner. Cost be awarded.

Short facts of the case are that the petitioner had filed a complaint before the Real Estate Regulatory Authority, Madhya Pradesh Bhopal (RERA) against the present respondents No. 3 and 4 for not executing the sale deed for a flat which the petitioner had purchased in a project named as 'Vasant Kunj' situated in

Village Ramaua, District Gwalior for which an amount of Rs.1,59,300/- was paid and agreement was entered into on 03.10.2011. However, even after completion of the project since the sale deed was not executed, the complaint was filed. On receiving the complaint the Real Estate Regulatory Authority after considering the material facts and documents on record vide order dated 04.11.2020 has directed respondents No.3 and 4 to pay an amount of Rs.1,59,300/- with interest of 7% per annum from the date of payment till its realization within a period of two months and further a sum of Rs.15,000/- towards compensation to the petitioner.

As the said order passed by Real Estate Regulatory Authority was not complied with and no amount was paid to the petitioner within the aforesaid period he applied for execution of said order under Section 40 (1) of the Real Estate (Regulation and Development) Act, 2016 read with Rule 27 of Madhya Pradesh Real Estate (Regulation and Development) Rules, 2017 read with Section 155(c) of M.P. Land Revenue Code, 1959. After being satisfied the Authority issued RRC of Rs.2,99,482/- and interest on the principle amount recoverable as land revenue but even after the issuance of the said RRC, no amount had been recovered till date. Several representations in this regard were forwarded by the petitioner to the respondents authorities and even a complaint was made to CM Help Line but of no avail. Thus, being aggrieved by the inaction on the part of the State Authorities, the present petition has been preferred.

Learned counsel for the petitioner vehemently argued that even after issuance of RRC by Real Estate Regulatory Authority, the Revenue Authorities are sitting tight over it and are not implementing the order. He made a limited prayer that directions may be issued to respondents/State Authorities to get the order passed by Real Estate Regulatory Authority executed for recovery of amount due to the petitioner at the earliest.

Learned Govt. Advocate for the respondent/State has no objection to the aforesaid prayer made by the petitioner.

Looking to the averments made by the petitioner, the respondents No.3 and 4 are directed to get RRC dated 23.01.2023 executed within a time bound frame preferably within a period of three months from the date of receipt of certified copy of this order.

With the aforesaid direction, this petition stands disposed of.

CC as per rules/directions.