

IN THE COURT OF PRINCIPAL DISTRICT JUDGE-MUZAFFARPUR.

Civil Court, Muzaffarpur
District: Muzaffarpur.
Execution Case no. 21/2023

Ram Kumar Sharma & others

..... Complainant/Decree Holder.

Versus

M/S Bharti Project Media & Infratech Pvt. LTD

.....Respondent/Judgment Debtor.

Learned Counsel for the petitioner: Sri Shambhu Nath Pd. Singh, Advocate.
Learned Counsel for the respondent: Saiyad Shams Ali, Advocate.

ORDER
17.06.2026

Record is put up for order. Heard both the sides and perused the record.

On perusal of record, it is reflected that the Execution Case No. 94/2020 was sent by the Adjudicating Officer, Real Estate Regulatory Authority by order dated 22.05.2023, to the Principal Civil Court, Muzaffarpur on the request of the executant. The execution case is referred to the civil court in the light of Rule 26 of Bihar Real Estate Regulatory Authority and Development Rules 2017 read with Section 40 of the Real Estate Regulatory Authority and Development Rules 2017. It is pertinent to look at Section 79 of the RERA Act, 2016 which says -

“No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Authority or the adjudicating officer or the Appellate Tribunal is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.”

So, Section 79 bars the jurisdiction of Civil Court with respect of RERA matters.

As per Rule 26 of Bihar Real Estate Regulatory Authority, it mentions- “**Manner of implementation of order, direction or decision of the adjudicating officer, the Authority or the Appellate Tribunal-** *For the purpose of sub-section (2) of section 40, every order passed by the adjudicating officer, Authority or Appellate Tribunal, as the case may be, under the Act or the rules and regulations made thereunder, shall be enforced by the adjudicating officer, the Authority or the Appellate Tribunal in the same manner as if it were a decree or order made by the principal civil court in a suit pending therein and it shall be lawful for the adjudicating officer, Authority or Appellate Tribunal, as the case may be, in the event of its inability to execute such order.”*

Now coming to the fact of present case, the matter has been sent to this court for execution on mere asking of the party i.e. the executant as reflected in letter no. 832 dated 21.07.2023. Nothing has been said as to what prevented the authority to execute the matter or its inability to execute the matter. This act of the authority of sending the matter to the civil court without assigning the reason for its inability to execute the same, is not in conformity with the provisions of the Real Estate (Regulation and Development) Act. Accordingly, the matter is sent back to RERA for adjudicating in accordance with law.

Accordingly, this execution case stands disposed of.

Sd/-

{Shweta Km. Singh}
Principal District Judge,
Muzaffarpur.
(Dated 17th June, 2026)