

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mr. Ved Prakash,
Special Presiding Officer

RERA/CC/05/2026

Satish Kumar

....Complainant(s)

Vs

M/s Ashirwad Engicon Pvt. Ltd.

....Respondent

PROJECT- IOB Galaxy

For the complainant:

Mr. Santosh Satyarthi (Adv.)

For the respondent :

Mr. Ishtiyaque Hussain (Adv.)

20.05.2026

O R D E R

Hearing is taken up. Shri Santosh Satyarthi, learned counsel on behalf of complainant and Shri Ishtiyaque Hussain, learned counsel on behalf of respondent are present.

2. The complainant entered into an agreement for sale executed between the parties on 10.03.2015 as per which the respondent builder proposed to construct and complete the township named as IOB Galaxy consisting of apartments with various amenities. In pursuance of this agreement, the complainant agreed to purchase a residential unit of 3 BHK Delux Flat having carpet area of nearly 950 sq.ft and super built up area of nearly 1370 sq. ft with amenities like Lift, Generator, Transformer, Intercommunication, car parking space and the respondent builder has also agreed to transfer the same in favour of the complainant on a consideration of Rs. 6,51,000/- out of which the complainant has already paid an advance of Rs. 4,01,000/- to the builder who acknowledged the receipt of advance money. The complainant was under obligation to pay service taxes, if any, on the advance payment. The grievance of the complainant is that despite timely payment, the respondent has failed to deliver possession of the said flat and car parking space. Hence the complaint case.

3. During the course of hearing, learned counsel complainant filed an Interlocutory application dated 20.05.2026 submitting therein that the

respondents have expressed their inability to hand over the possession of flat and have shown willingness to refund the amount deposited by the complainant along with interest. The complainant accepted the offer of refund of paid amount along with interest. Learned counsel, on instruction, submits that since the respondents are not in a position to deliver possession of flat, they should be directed to refund the entire deposited amount of Rs. 6,71,116/- (Rs. 4,01,000/- + Rs. 2,70,116).

4. Considering the submissions made on behalf of the parties as well as on going through the record, particularly the Interlocutory Application dated 20.05.2026, the Authority observes that the respondent did not honour the commitments made to the complainant of handing over the flat as per the agreement for sale. However, the respondent is ready to refund the deposited amount to which the complainant agrees but he requests for suitable compensation for the loss he suffered at the hands of the respondent.

5. In the backdrop of the aforesaid facts, the Authority directs the respondent company and its Managing Director, Shri Ajay Singh to refund the principal amount of Rs. 6,71,116/- to the complainant along with interest within sixty days of passing of the order. The rate of interest payable by the respondent promoter shall be at two percent above the MCLR of State Bank of India payable for three years on the date on which the amount becomes due till the date of payment.

6. The complainant is at liberty to press other claims, if any, which are in the nature of compensation, before the Adjudicating Officer, RERA, Bihar.

With the aforesaid observations/directions, this case is disposed of.

Sd/-
(Ved Prakash)
Special Presiding Officer