

**REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR**  
**Before the Single Bench of Mrs. Nupur Banerjee, Member**

**Case No: RERA/CC/1279/2021**

**Sudarshan Sinha**

**...Complainant**

**Vs.**

**M/s A.S.Ganesha Infra Pvt. Ltd.**

**...Respondent**

**Project: N/A**

**24/07/2024**

**ORDER**

The matter was last heard on 12.07.2024, when Mr. Vishal Vikram Rana Advocate appeared on behalf of the complainant. The respondent was absent.

In short, the case of the complainant is that the complainant entered into Agreement for Sale dated 14.02.2020 with respondent no.1 for purchase of plot admeasuring 1500 sq.ft. and out of total consideration of Rs.28,26,250/- the complainant has paid Rs.12.00 lakh as per terms of the Agreement for Sale. It is stated that even after 1½ years of the agreement and after taking maximum consideration amount, the respondent denied the execution of a sale deed. At a later stage, the complainant came to know that the above-mentioned land has been sold by respondent no.2 to some other person. Therefore, he has prayed to direct the respondent to refund the principal amount of Rs.12.00 lakh with interest.

The complainant has placed on record the copy of the Agreement for Sale and the statement of accounts.

Perused the record. A written statement has been filed on behalf of respondent no.1 in which it is stated that the complainant has no cause of action to maintain the complaint before this Court and the claim of the complainant is barred by the principle of estoppels, waiver and acquiescence. It is stated that since the complaint has been filed on suppression of material facts, therefore, this case is fit to be dismissed on the ground mentioned therein.

On 08.04.2024 learned counsel for the promoter stated that he has already filed reply stating that he is willing to pay the amount of money but the complainant has not come to take money. He also stated that he will pay the amount in 2-3 installments. Thereafter the Authority directed the respondent to pay at least Rs.6.00 lakh out of total principal amount before the next date of hearing i.e. 27.05.2024 and the remaining amount will be paid on the next date of hearing. On 27.05.2024 learned counsel for the complainant submitted that the respondent has not complied the direction of the Authority. On that date none appeared on behalf of the respondent. The Authority observed that Rs.10,000/- will be imposed for not complying the order of the court as penalty.

On the last date of hearing the complainant has reiterated the prayer as made in the complaint petition and has prayed for refund of the amount with interest. He also submitted that the respondent has not complied the earlier direction of the Authority. He also referred to an order of the Authority dated 30.08.2023 passed in CC No.1165/2021 (Manoj Kumar vs. M/S A.S.Ganesha Infra Pvt. Ltd.) and submitted that the facts of this case is similar to the facts

of the case of Manoj Kumar (supra) The complainant has already sent a cancellation letter to the respondent with a copy to the Authority.

The Bench notes that despite several opportunities the respondent failed to appear before the Authority, so, in the interest of justice, order is being passed on the basis of documents available on record.

In the light of the documents placed on record and submission made and considering that the respondent has taken the economic benefit of the amount paid by the complainant in lieu of booking of the alleged plot, the Bench hereby directs the respondent company and its Directors to refund the principal amount of Rs.12.00 lakh to the complainant along with interest at the rate of marginal cost of fund-based lending rate (MCLR) of State Bank of India as applicable for three years plus 2% interest from the date of booking till the date of refund within sixty days of issue of this order.

The Bench also directs the respondent company and its Director to pay a penalty of Rs.10,000/- for not complying the earlier direction of the Authority dated 08.04.2024 within the aforesaid period.

With these directions and observations, the matter is disposed of.

**Sd/-**  
**Nupur Banerjee**  
**Member**