

**REAL ESTATE REGULATORY AUTHORITY, BIHAR,**

Before the Bench of Mr. Ved Prakash,

Special Presiding Officer

**RERA/CC/257/2023**

Sri Rajesh Ranjan Prasad Sinha .... Complainant

Vs.

M/s Aastik Smart City Pvt. Ltd. ....Respondent

**PROJECT: SRI SHYAM SMART CITY**

For the Complainant: Sri Akash Deep, Advocate

For the Respondent: None

**17.06.2025**

**ORDER**

Learned counsel Sri Akash Deep on behalf of the complainant is present but the respondent is absent. In the last proceeding dated 21.03.2025 also the respondent - promoter did not appear in spite of notice issued to him on 26.03.2025.

2. Learned counsel for the complainant submits that the complainant booked Flat no.701 on 7<sup>th</sup> floor having area of 1500 sq. ft. in Block –A along with an exclusive car parking vide Booking Form dated 15.06.2020 in the project “ Sri Shyam Smart City” situated at Lekha Nagar, Danapur, on consideration amount of Rs.50,50,000/- out of which the complainant had paid Rs.1,11,000/- through cheque dated 15.06.2020, photo copy of which is kept on record, and the same also finds mention in the Booking Form dated 15.06.2020. He also submits that the rest consideration amount was to be paid on various occasions as per progress in work but the respondent – promoter failed to complete the project and also till date he has not taken approval of RERA, which is mandatory after coming into effect of RERA Act, 2016. He further submits that the complainant visited several times to the project site but did not find any progress in the work which made him compel to send a letter dated 17.09.2020 to the respondent to cancel the booking of flat and refund of his money but even then the respondent has not

refunded his money so far. Hence, the complainant filed this complaint for refund of his money along with interest.

3. The respondent has neither appeared nor sent any information in spite of notice dated 26.03.2025 sent to him, which shows that the respondent does not want to appear and submit anything in this case. The said attitude of the respondent further shows that he wants to linger this matter.

4. Perused the record. The Bench observes that the respondent - promoter neither honoured the commitment made to the complainant of completing the project and handing over possession of the Unit within the specified time nor is showing interest in getting this case disposed of by appearing in the case in spite of service of notice upon him, nor is also showing willingness to refund the money of the complainant in spite of request for refund of money by the complainant vide cancellation dated 17.09.2020. The Bench presumes that the respondent – promoter has nothing to say in this matter and only wants to drag this matter for a longer period. In such a situation, the Bench is left with no option but to pass the order exparte on merit on the basis of material available on the record as the case cannot be allowed to remain pending for an indefinite period.

5. In the backdrop of the submissions made by learned counsel for the complainant and on going through the material available on record, the Bench directs the respondent - company and its Director Sri Kameshwar Tiwari to refund the principal amount of Rs.1,11,000/- to the complainant along with interest at 2% above marginal cost of the lending rate (MCLR) of the State Bank of India on the total principal amount which becomes due till the date of payment within sixty days of this order.

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

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

Sd/-

**(Ved Prakash)**

Special Presiding Officer,  
RERA, Bihar.