

REAL ESTATE REGULATORY AUTHORITY, BIHAR,

Before the Bench of Mr. Ved Prakash,

Special Presiding Officer

RERA/CC/244/2023

Mr. Tej Pratap Singh Complainant

Vs.

M/s Dream Heaven Homes Pvt. Ltd.Respondent

PROJECT: APNA BASERA, MOTIHARI

For the Complainant: Mr. Punit Kumar, Advocate

For the Respondent: None

16.06.2025

ORDER

Learned counsel Mr. Punit Kumar on behalf of the complainant is present but the respondent is absent. It further transpires from the record that earlier also on most of the dates when the case was listed the respondent - promoter did not appear in spite of service of notice upon him.

2. Learned counsel for the complainant submits that initially an Agreement For Sale dated 13.12.2012 was executed between the complainant and the respondent for booking a Simplex (Duplex) which became lapsed due to failure on the part of the respondent. Thereafter, again the Agreement dated 11.11.2016 was executed between them for booking Unit no. 4 Simplex having land area of 1000 sq. ft. and super built up area of 1778 sq. ft. in the project “ Apna Basera, Motihari” situated at Mouja & P.S. – Chadrahia in the District of East Champaran, on consideration amount of Rs.34,18,423/- which includes the cost of facilities and amenities, out of which the complainant paid Rs.8,71,192/-, against which the respondent issued payment receipts which are kept on record. He also submits that the respondent – promoter had assured the complainant that delivery of possession of the Unit no.4 would be handed over within the specified period of time. The complainant waited patiently for longer period of time

but till date neither the project has been developed nor possession of the Unit no.4 has been delivered by the respondent. On enquiry about the project he came to know that the respondent has still not got approval by RERA for development of the project. He also submits that when the complainant did not see any alternative he sent legal notice dated 10.04.2023 to the respondent – promoter, which was also not responded by him. Hence, this complaint was filed by the complainant for delivery of possession of the Unit but later on seeing lackadaisical attitude of the respondent as mentioned in the proceeding dated 25.06.2024 the complainant by filing supplementary petition requested for refund of money with interest and compensation.

3. The respondent has neither appeared nor sent any information in spite of notice dated 03.04.2025 sent to him through S.P. Jamshedpur, which shows that the respondent does not want to appear and submit anything in this case. He wants to linger this anyhow in order to harass the complainant for no fault on his part.

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 time granted 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. The Bench presumes that the respondent – promoter has nothing to say in this matter as on most of the dates fixed in the case he chose not to appear in the case so as to linger the matter for indefinite 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.

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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 Viveka Nand Pandey to refund the principal amount of Rs.8,71,192/-, 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