

REAL ESTATE REGULATORY AUTHORITY, BIHAR,

Before the Bench of Mr. Ved Prakash,

Special Presiding Officer, RERA,

RERA/CC/245/2023

Shalini Verma Complainant

Vs.

M/s Dream Heaven Homes Pvt. Ltd. & Ors.Respondents

PROJECT: APNA BASERA, MOTIHARI,

For the Complainant : Mr. Punit Kumar , Advocate

For the Respondents: None

15.10.2025

ORDER

Learned counsel Mr. Punit Kumar on behalf of the complainant is present but the respondents are absent.

2. Learned counsel for the complainant submits that the complainant had entered into an Agreement For Sale dated 03.10.2012 with the respondent – promoter Mr. Vivekanand Pandey to purchase Unit No. K- 5 - Simplex having super built up area of 605 sq. ft. on consideration amount of Rs.16,81,487/- including facilities and amenities in the project “Apna Basera” situated at Mouja – Chadrahia, Sub- Registry - Motihari, District – East Champaran” and out of the said consideration amount the complainant paid Rs.15.36,529/- between the years 2015-16, against which the respondent - company issued acknowledgement receipts and the same are kept on record. He also submits that the respondent – promoter had assured for completion of project within the specified time but till date neither the project has been completed nor delivery of possession of flat has been handed over to the complainant by the respondents. He also submits that the complainant has come to know that the respondents have still not got the project registered with RERA which is mandatory after coming into force of the RERA Act, 2016. The complainant on getting mentally harassed by the respondents sent legal notice dated

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10.04.2023 to the respondent – promoter but the same was not responded. Hence, the complainant filed this complaint for a direction to the respondent – promoter to give possession of the Simplex with all amenities as well as compensation for mental harassment.

3. The Bench notes that the respondent - promoter neither ever appeared before the Conciliation Forum, RERA, nor this Bench/Authority in spite of notice and reminder notices issued to him by the office in compliance of the proceedings of the Conciliation Forum as well as the Bench/Authority.

4. Perused the record. The Bench observes that on 03.10.2012 the respondent – promoter had entered into Agreement For Sale with the complainant for selling Duplex, known as Simplex, having super built up area of 605 sq. ft. on consideration amount of Rs.16,81,487/- including facilities and amenities in the project “Apna Basera” situated at Mouja – Chadrahia, Sub- Registry - Motihari, District – East Champaran” and out of the said consideration amount the complainant paid Rs.15.36,529/- between the years 2015-16, which finds support from the acknowledgement receipts issued by the respondent - company. The Bench further observes that the respondent – promoter does not want to say anything in this case as in spite of notice and reminder notices issued he did not take pain to appear and file reply in this case. In such a situation the Bench is left with no option but to pass an order on the basis of material available on record as the Bench cannot allow to keep this case pending for an indefinite period.

5. Taking into consideration the aforesaid facts and the observations made above, the Bench directs the respondent –

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company and its Director Mr. Vivekanand Pandey to complete the project "Apna Basera at Motihari" and handover physical possession of Simplex K5 with all amenities as per Agreement and execute Registered Sale Deed in favour of the complainant after completing all necessary legal formalities within two months from the date of this order, failing which penalty of Rs.1000/- per day would be imposed upon the respondent for each day delay till handing over possession of Simplex K5.

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

Sd/-

(Ved Prakash)

Special Presiding Officer, RERA, Bihar.