

**REAL ESTATE REGULATORY AUTHORITY, BIHAR,**

Before the Bench of Mr. Ved Prakash,

Special Presiding Officer, RERA,

**RERA/CC/246/2023**

Braj Bhushan .... 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 and the respondent – promoter Mr. Vivekanand Pandey had entered into an Agreement For Sale dated 11.01.2014 to purchase a Duplex, known as Simplex, on consideration amount of Rs.18,20,848/- 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.6,00,000/- as advance, which finds mention in the Agreement. He further submits that the said Agreement got lapsed and then the respondent-promoter executed another Agreement For Sale dated 07.01.2017, wherein simplex K4 on ground floor having built-up area 705 sq. ft. on consideration amount of 17,64,265/- was allotted to the complainant and the complainant made total payment of Rs.19,54,148/- including the registry cost, between the years 2013-19, as demanded by the respondents, 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

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respondent. He also submits that the complainant has also 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 letters dated 01.12.2018 and 18.08.2022 and legal notice dated 10.04.2023 to the respondent – promoter but the same were 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 the respondent – promoter had entered into Agreement For Sale twice on 11.01.2014 & 07.01.2014 with the complainant for Duplex, known as Simplex, in the above project. The Bench also observes that vide another Agreement dated 07.01.2014 the complainant was allotted Simplex K4 on ground floor having built-up area 705 sq. ft. on consideration amount of 17,64,265/-, against which the complainant on demand of the respondents made payment of Rs.19,54,148/- including cost of registry between the years 2013-19, 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 the respondent – promoter 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

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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 – company and its Managing Director Mr. Vivekanand Pandey to complete the project “Apna Basera at Motihari” and handover physical possession of Simplex K4 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 respondents for each day delay till handing over possession of Simplex K4.

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

Sd/-

**(Ved Prakash)**

Special Presiding Officer, RERA, Bihar