

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mr.Ved Prakash,
Special Presiding Officer

RERA/CC/267/2024

Kamlesh Kumar

....Complainant(s)

Vs

M/s Sri Anuanand Construction Pvt. Ltd. Respondent
PROJECT- Sai Enclave, Block -K

For the complainant: Mr.Punit Kumar (Adv.)
For the respondent : None

03.07.2026

O R D E R

Hearing is taken up. Shri Punit Kumar, learned counsel on behalf of complainant is present, but the respondent is absent.

2. Learned counsel for complainant by filing allotment letter dated 01.10.2016 submits that the respondent Director Mr,Bimal Kumar has allotted Flat no. 504, in Block K, at 5th Floor having super built-up area 1100 sq. ft (2 BHK) in project-Sai Enclave, located on Vijay Singh Yadav Path, Mauza – Mustafapur, Sub-Division, Danapur, District – Patna on a consideration of Rs. 21,00,000/-, including Rs. One Lakh for reserved car parking space, out of which the complainant has paid a total sum of Rs. 9,50,000/- till date(letter is annexed with the record). The learned counsel further submits that inspite of repeated reminders of the complainant; the respondent has not executed registered agreement for sale deed till date with respect to the flat in favour of the complainant . Moreover, the project is not completed as on date in spite of lapse of more than 10 years. He further submits that the builder is also not traceable and the work in the said project is totally stopped. Learned counsel for complainant further submits that though the respondent has assured to complete the project and handover the possession of Flat within the specified period of time, but till date, neither the construction of work of the project has been completed nor possession of flat allotted to the complaint has been handed over. Hence, the complainant filed this complaint case for a direction upon the

respondent to handover the possession of Flat along with amenities as per allotment letter and also be directed to execute registered sale deed in favour of the complainant.

3. The Bench notes that in this case learned counsel, Shri Mukul Kumar Singh appeared only twice on behalf of respondents, but did not file any reply in spite of directions given in the proceedings dated 16.04.2025 and 09.07.2025 and thereafter none turned up on behalf of respondent in spite of the fact that the respondent had committed before the Hon'ble High Court, Patna in CWJC no. 6154/2024 (Priti Swaraj & Ors vs. Union of India and Ors) to appear before the Authority/Bench during the hearing.

4. Perused the record. The Bench observes that there is no dispute with regard to allotment of flat no. 504 in Block -K with reserved car parking space in the said project which finds mention in the allotment letter dated 01.10.2016 issued by Shri Bimal Kumar, the Managing Director of the respondent company. There is also no dispute regarding payment of Rs. 9, 50,000/- to the respondent promoter for purchase of the said Flat. The complainant has made the payment of Rs. 9, 50,000/- through cheques. Payment receipts in support thereof are already filed on record. The Bench further observes that the respondent promoter neither honored the commitment of completing the project and handing over the said flat within the specified time nor took pain to file reply to the complaint case in spite of sufficient time granted by the Bench nor even honoured his commitment made before the Hon'ble High Court on 10.04.2025 in CWJC no. 6154 of 2024 to appear on the date of hearing of the case before RERA. The Bench also observes that the respondent promoter is neither willing to appear in this case nor is willing to file any reply. In such view of the matter, the Bench is left with no option but to pass order on the basis of material available on record as the case cannot be allowed to keep pending for an indefinite period.

5. In view of the aforesaid facts and the observations made above, the Bench directs the respondent company through its Managing Director, Shri Bimal Kumar and others to complete the project Sai Enclave within the time as granted by the Hon'ble Patna High Court and as soon as the project is

completed, the Managing Director shall hand over the physical possession of flat no. 504 in Block K, 5th Floor having super built-up area of 1100 sq. ft (2 BHK) in the project -Sai Enclave, located on Vijay Singh Yadav Path, Mauza – Mustafapur, Sub-Division, Danapur, District – Patna along with reserved car parking space and execute registered sale deed in favour of the complainant on payment of remaining consideration along with applicable GST on demand, subject to completion of the project.

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

Sd/-
(Ved Prakash)
Special Presiding Officer