

REAL ESTATE REGULATORY AUTHORITY, BIHAR,

Before the Bench of Mr. Ved Prakash,

Special Presiding Officer

RERA/CC/ 296 /2024

Amita Devi Complainant

Vs.

M/s Ashirwad Engicon Pvt. Ltd. Respondent

PROJECT: IOB GALAXY

For the Complainant: Mr. Santosh Satyarthi, Advocate

For the Respondent: Mr. Ishtiyaque Hussain, Advocate

ORDER

15.04.2026 Hearing taken up. Learned counsel Mr. Santosh Satyarthi on behalf of the complainant and learned counsel Mr. Ishtiyaque Hussain, Advocate, are present.

2. Learned counsel for the complainant submits that the complainant had entered into an Agreement For Sale with the respondent on 12.5.2015 to purchase a 3 BHK Deluxe flat, having carpet area of 950 sq. ft. and super built up area of 1370 sq. fit, with amenities as mentioned in the agreement along with Car parking in the project "IOB Galaxy" located at Painal, P.S. Bihta, District – Patna, on consideration amount of Rs.6,51,000/-, which was paid by the complainant on 12.5.2015 to the respondent and the said fact finds mention in the Agreement and the money receipt of Rs.6,51,000/- dated 12.05.2015 issued by the respondent – company is also kept on the record. The complainant in this complaint petition has requested for a direction to the respondent to deliver possession of the flat allotted in her name as she has already made payment of consideration amount of the flat.

3. Learned counsel for respondent submits that the respondent is not able to construct and hand over the flat, which was agreed vide the Agreement For Sale dated 12.5.2015 as the respondent could not procure those lands, over which the multistoried buildings were to be constructed.

The respondent is ready to refund the principal amount along with interest.

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4. Learned counsel for the complainant by filing an interlocutory petition dated 15.04.2026 submits that if the respondent is not able to hand over the possession of the flat then they should refund the principal amount along with applicable interest to the complainant and in this connection necessary order may be passed for refund of the amount along with applicable interest with liberty to the complainant to move the appropriate authority for suitable compensation keeping in view the present market value of the flat.

5. Having heard learned counsel for the parties and perused the record, the Authority observes that the respondent did not honour the commitment made to the complainant of handing over the flat as per the Agreement For Sale. However, the respondent is ready to refund the amount, to which the complainant agrees but he requests for suitable compensation for the loss he suffered at the hands of respondent.

6. In the backdrop of the aforesaid facts, the Bench/Authority directs the respondent - company and its Managing Director Mr. Ajay Singh to refund the principal amount of Rs.6,51,000/- to the complainant along with interest at 2% above marginal cost of the lending rate (MCLR) of the State Bank of India from the date on which the amount was paid till the date of refund within sixty days of this order.

7. The complainant is at liberty to press other claims, 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.