

**REAL ESTATE REGULATORY AUTHORITY, BIHAR,**

Before the Bench of Mr. Ved Prakash,  
Special Presiding Officer, RERA,

**RERA/CC/441/2024**

Mr. Dharmendra Kumar .... Complainant

Vs.

M/s Ashirwad Engicon Pvt. Ltd. ....Respondent

**PROJECT: IOB GALAXY**

For the Complainant: Mr. Mukesh Kumar , Advocate

For the Respondent: Mr. Ishtiyaque Hussain, Advocate

**17.10.2025**

**ORDER**

Learned counsel Mr. Mukesh Kumar on behalf of the complainant and learned counsel Mr. Ishtiyaque Hussain on behalf of the respondent are present.

2. Learned counsel for the complainant submits that the complainant vide Agreement For Sale dated 28<sup>th</sup> March, 2015 booked 3 BHK Flat having super built-up area 1370 sq.ft. and carpet area of 950 sq. ft. with an exclusive car parking space on ground floor in the project "IOB Galaxy", situated at Mauza – Painal, Pargana – Maner, P.S.- Bihta, District – Patna of M/s Ashirwad Engicon Pvt. Ltd., on consideration amount of Rs.6,50,000/- out of which he paid Rs.4,01,000/- at the time of execution of Agreement dated 28.03.2016 which finds mention in the Agreement itself. He further submits that the respondent had assured to provide the flat within the specified period of time but after making payment whenever the complaint enquired from the respondent – promoter about the progress of the project, he used to not give any reply. Ultimately, the complainant visited the site of the project and he found that the respondent did not even lay a brick of the project even after lapse of long time. He also submits that the complainant having found no progress in work of the project approached the respondent to refund his money but the respondent did not pay heed to his request. Hence, the present

complaint by the complainant for refund of his money along with interest.

3. Learned counsel for the respondent submits that the respondent is willing to refund the money of the complainant and this submission was also made during the proceeding dated 19.04.2025 before the Conciliation Forum Bench.

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 him over possession of flat within the specified time nor refunded the principal amount of the complainant in spite of request made by him as has been stated in the complaint. However, the respondent - promoter is willing to refund the principal amount along with interest to the complainant.

5. Taking into consideration the aforesaid submissions made by the parties and on going through the material available on record, the Bench directs the respondent - company and its Managing Director Mr. Ajay Kumar to refund the principal amount of Rs.4,01,000/- to the complainant along with interest at 2% above marginal cost of the lending rate (MCLR) of the State Bank of India on the principal amount since the date of its payment till the date of refund 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, RERA,