

REAL ESTATE REGULATORY AUTHORITY, BIHAR,

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

RERA/CC/493/2024

Ashok Kumar Complainant

Vs.

M/s Ashirwad Engicon Pvt. Ltd.Respondent

PROJECT: DIAMOND CITY

For the complainant: Mr. Shashank Shekhar, Advocate

For the Respondent : Mr. Ishtiyaque Hussain, Advocate

08.10.2025

ORDER

Learned counsel Mr. Shashank Shekhar 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 vide Agreement For Sale dated 05.09.2015 executed between the complainant and the respondent, the complainant booked 3 BHK Flat along with reserved parking space on ground floor in the proposed project "Diamond City" on consideration amount of Rs.6,51,000/- which was paid by the complainant to the respondent – promoter on different dated from 01.08.2015 to 28.01.2016 through transfer from the Bank Account, details of which are incorporated in paragraph -2 of the complaint. He further submits that as per terms of the Agreement dated 05.09.2015 it was undertaken that if for any reason the respondent could not construct the above project then the respondent would allot another flat in his new project " IOB Galaxy" on the same consideration amount, which was paid by the complainant but on failure of completion of project "Diamond City" the respondent did not provide him flat in the project IOB Galaxy as undertaken in the Agreement in spite of repeated requests made by the complainant. He also submits that the project "Diamond City" has not yet been registered with RERA. Hence, the

/2/

complainant filed this complaint for a direction to the respondent to delivery possession of flat in the project "IOB Galaxy" and execute registered Sale Deed in his favour. Lastly, he submits that now the complainant wants to get his principal amount refunded along with interest and compensation.

3. Learned counsel for the respondent during the proceeding dated 29.03.2025 before the Conciliation Forum, RERA, submitted that the respondent is willing to refund the principal amount of the complainant.

4. Perused the record. The Bench observes that the complainant booked 3 BHK Flat along with reserved parking space on ground floor in the proposed project "Diamond City" on consideration amount of Rs.6,51,000/- which was paid by the complainant to the respondent – promoter on different dated from 01.08.2015 to 28.01.2016, which is not disputed by the respondent's counsel. The Bench also observes that the respondent has failed in honouring the commitment made to the complainant of completing the project and handing over deliver of possession of flat to the complainant. However, the respondent during the proceeding dated 29.03.2025 before the Conciliation Forum, RERA submitted that the respondent is willing to refund the principal amount of the complainant.

5. In view of the aforesaid facts and the material available on record, the 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 fund-based lending rate (MCLR) of the State Bank of India since the date on which the total amount was paid 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 direction, this case is disposed of.

Sd/-

(Ved Prakash)

Special Presiding Officer, RERA, Bihar.