

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

RERA/CC/548 (A)/2024

Mr. Ranjan Das

....Complainant(s)

Vs

M/s Dream Heaven Homes Pvt. Ltd.

....Respondent

PROJECT- **APNA BASERA**

For the complainant:

Mr. Santanu Kumar (Adv.)

For the respondent :

None

27.05.2026

O R D E R

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

2. Learned counsel for complainant submits that the complainant had booked a flat/unit no. L-10 in the proposed multi storied residential building in the area of 50 Katha (290.25 Decimal) situated at Mauza and P.S.- Chadraha, Thana – Mufassil, Thana no. 193, Khata no. 24 & 25 (Khesra no. 1276, 1277, 1278, 1284 & 1285, Town – Motihari, District – East Champaran in the name and style of Apna Basera. A registered agreement for sale of the said flat was executed between both the parties on 11.03.2013 for a consideration of Rs. 21,00,000/- He further submits that the complainant paid the total consideration amount to the respondent trusting upon the respondent. The respondent also issued a no dues certificate dated 12.07.2017 to the complainant. However, on 06.03.2021, the respondent demanded Rs. 3,50,000/- against the registration and legal expenses which the complainant complied. Thus, the complainant paid a total sum of Rs. 24,50,000/- to the respondent. Despite that, the respondent is not completing the project in time and handing over the possession to the complainant. He is also not acting in line with the terms and agreement reached upon between both the parties and he is only ditching the complainant on one or the other ground. Learned counsel further submits that the respondent has neither handed over the possession of said flat in the proposed project nor has refunded the principal amount to the complainant. As a result of indifferent attitude of the respondent, the

complainant is not only suffering financial hardships but also mental agony. Therefore, the complainant, under the given situation, is seeking refund of the total paid amount of Rs. 24,50,000/- from the respondent along with interest.

3. There is no representation on the side of the respondent. No counter reply is also filed to defend the case of the respondent. In this view of the matter, the submissions that are supported by documentary evidence have to be admitted.

4. Considering the submissions made on behalf of the complainant as well as on going through the record, the Bench observes that admittedly, the complainant booked an Unit L-10 in the proposed project, Apna Basera of the respondent for a consideration of Rs. 21,00,000/-. The payment receipts also suggest that the complainant paid the total consideration and thereafter, on demand, he also paid Rs. 3,50,000/- to the respondent against the registration and legal expenses. It also appears from the perusal of the record that the respondent after receiving the total consideration plus registration and legal charges is neither executing sale deed nor completing the project nor handing over the possession of said flat in favour of the complainant. In that eventuality, the Bench holds that the complainant is entitled for refund of the total paid amount along with applicable interest.

5. In the backdrop of submissions made on behalf of complainant supported by documentary evidence, the Bench/Authority directs the Director of respondent company – Shri Viveka Nand Pandey to refund the total paid principal amount of Rs. 24,50,000/- to the complainant along with interest @ 2 % above the MCLR of State Bank of India, as applicable for three years since the date of payment till the refund of principal amount, within a period of sixty days from the date of passing of the order.

With these observations/directions, this complaint case is disposed of.

Sd/-
(Ved Prakash)
Special Presiding Officer