

REAL ESTATE REGULATORY AUTHORITY, BIHAR,

Before the Bench of Mr. Ved Prakash,

Special Presiding Officer, RERA,

RERA/CC/557/2024

Chandra Mauleshwar Sinha Complainant

Vs.

M/s Asmi Realtors Pvt. Ltd.Respondent

PROJECT: ASMI HOMES

For the Complainant: Mr. Pratik , Advocate

For the Respondent: None

17.10.2025

ORDER

Learned counsel Mr. Pratik on behalf of the complainant is present but the respondent is absent.

2. Learned counsel for the complainant submits that on 07.05.2013 the complainant booked Flat no.202 of 2 BHK on 2nd floor having super built-up area of 821 sq. ft. along with one reserve car parking space no.202 in the project “Asmi Homes” situated at Saguna More, Bailey Road, Patna, on consideration amount of Rs. 15,00,000/- out of which the complainant paid Rs.14,00,000/- to the respondent – developer in cash, against which the respondent issued money receipts dated 07.05.2013 which are kept on record as Annexure -2 series. He further submits that the complainant had also issued allotment letter dated 07.05.2013, which is also kept on record as Annexure -3. He also submits that the respondent – promoter had promised to handover possession of flat along with car parking space on or before 31.12.2013. As per promised by the respondent, when the complainant approached the respondent for execution of Sale Deed, the respondent – promoter used to give false assurance and on 13.09.2021 the respondent gave a cheque of Rs.50,000/- as compensation for delay in handing over possession of flat but on submission of said cheque in the Bank it became bounced due of insufficiency of fund. Thereafter, from 29.10.2021 to

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02.06.2023 the respondent through UPI Account transfer returned Rs.2,40,001 to the complainant. The remaining amount of Rs.11,59,999/- along with interest is still to be refunded by the respondent - promoter but he refused to refund the same on 30.11.2024. Hence, the complainant has filed this complaint for a direction to the respondent for refund his remaining principal amount along with interest.

3. The respondent neither appears nor file any reply in spite of notice issued on 17.09.2024.

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 remaining principal amount of Rs.11,59,999/- to the complainant in spite of request made by him, rather he refused to refund the same on 30.11.2024. The Bench also observes that the respondent does not want to say anything in this case as even after issuance of notice he neither appeared nor filed any reply, which reflects that the respondent wants to linger this case for an indefinite period and wants to harass the complainant further. Hence, this Bench is left with no option but to dispose of the case on the basis of material available on record.

5. Taking into consideration the aforesaid facts and the material available on record, the Bench directs the respondent - company and its Director Mr. Abhishek Kumar to refund the remaining principal amount of Rs.11,59,999/- 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.

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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,