

REAL ESTATE REGULATORY AUTHORITY, BIHAR,

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

RERA/CC/561/2024

Mukesh Kumar Complainant

Vs.

M/s Sudha Engicon Pvt. Ltd. Respondent

PROJECT: OM TOWER

For the Complainants: Mr. Krishna Kumar, Brother,

For the Respondent: None

06.01.2026

ORDER

Mr. Krishna Kumar, brother of the complainant is present but the respondent is absent.

2. Brother of the complainant submits that on 22.10.2020 the complainant had entered into a registered Agreement For Sale with the respondent to purchase Flat no. 103 admeasuring carpet area of 673 sq. ft., exclusive balcony admeasuring 28 sq. ft., in Block –B on the first floor along with its pro rata share in the common area and one reserved car parking space in basement floor of the proposed project “Om Tower, located at Village & PO – Amhara, P.S. Bihta, District – Patna, on consideration amount of Rs.25,00,000/- out of which the complainant made payment of Rs.23,49,700/- from 06.10.2020 to 03.03.2022 through cheques, loan and cash transfer from the Bank and in this support the complainant has filed relevant papers showing transaction details of the Bank which are kept on record. He further submits that the flat was to be handed over within the specified period of time, but the respondent – promoter failed in completing the project and handing over possession of the flat within the time granted. Hence, the complainant filed this complaint for a direction to the respondent to refund his principal amount along with interest and compensation.

3. Perused the record. The Bench observes that the respondent neither ever appeared before the Conciliation Forum nor this Bench in spite of notices issued by the office of the Authority on 30.04.2025, 15.05.2025, 17.10.2025 & 27.11.2025. The Bench further observes that a registered Agreement dated 22.10.2020 was executed

between the complainant and the respondent to purchase Flat no. 103 admeasuring carpet area of 673 sq. ft. in Block –B on the first floor and a reserved car parking space in basement of the proposed project “Om Tower, located at Village & PO – Amhara, P.S. Bihta, District – Patna, on consideration amount of Rs.25,00,000/- out of which the complainant made payment of Rs.23,49,700/- from 06.10.2020 to 03.03.2022 through cheques, loan and cash transfer through the Bank, which finds support from the relevant papers on record issued by the Bank showing money transactions made by the Bank to the respondent from the Bank Account of the complainant. The Bench also observes that the respondent - promoter has failed in honouring the commitment made to the complainant of completing the building and handing over possession of the flat allotted to him within the time granted. The Bench further observes that the respondent does not want to say anything in this matter as he has chosen not to appear ether before the Conciliation Forum or the Bench/Authority in spite of notices issued. Considering the hardship being faced by the complainant and also the indifferent and non-cooperative attitude of the respondent – promoter, the Bench does not think it proper to allow this case pending for further period and, accordingly, the case is disposed of today itself on the basis of material available on record.

4. Taking into consideration the facts and the observations made above, the Bench directs the respondent - company and its Director Mr. Vipin Ranjan to refund the principal amount of Rs.23,49,700/- to the complainant along with interest at 2% above marginal cost of lending rate of the State Bank of India since the date of payment of the principal amount till the date of refund within sixty days of this order.

5. 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, Bihar.