

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Bench of Mr. Naveen Verma, Chairman**

**Complaint Case No. CC/1176/2021**

**Vijay Kumar** .....Complainant  
**Vs**  
**M/s Soho Infrastructure Pvt. Ltd.** .....Respondent

**Project: Badri Narayan Enclave**

**27/09/2022**

**ORDER**

This matter was last heard on 29.08.2022 after certain clarifications were sought in the detailed interim order passed on 28.06.2022. The facts of the case have been elaborated in the interim order.

On the last date of hearing the learned counsel complainant submitted that there are 95 flats in the project but the flat booked by the complainant is in the possession of some other person. He reiterated the request for possession.

The complainant has also filed a supplementary affidavit with photographs of the flat no. 204, Block A and stating therein that the flat is under the possession of the respondent no. D and his father Badrinarayan Choudhary (land owner).

The Authority observes that the respondent failed to appear despite notice dated 30/06/2022 was issued to the respondent so, the submission of the complainant is admitted.

The Authority observes that the issue of maintainability of the complainant case was resolved in the interim order dated 28-06-2022.

The Authority observes that the flat was booked by the complainant and the same was not delivered to the respondent despite the complainant has paid Rs. 27,00,000/- out of the total consideration of Rs. 30,00,000/-. The Authority further observes that it is the responsibility of the respondent to explain how the flat booked to the complainant has been under possession of some other person.

The complainant is entitled to get possession of a flat along with interest for the period of delay. After considering the documents filed and submission made the Authority directs the respondent to execute the registered deed after receiving the remaining consideration amount from the complainant and handover the possession of the flat to him within 60 days of this order.

The complainant is at liberty to approach the Adjudicating Officer for compensation.

With these directions and observations, the matter is disposed of.

Sd/-

**Naveen Verma**  
**Chairman**