

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Bench of**

**Hon'ble Member Mr. S.D. Jha, RERA, Bihar,**

**RERA/CC/255/2022**

**Rohit Kumar..... Complainant**

**Vs.**

**M/s Aastik Buildcon Pvt. Ltd. ....Respondent**

**Project:- SAI VATIKA PHOOL KUNWAR PLACE, BLOCK – C AND D**

**ORDER**

**09.10.2024** Hearing taken up. Mr. Sumit Kumar, Advocate, appears for the complainant. The respondent is absent.

2. Learned counsel for the complainant submits that this case has been filed against the respondent no.1, landowner Mohan Kumar. The respondent no.2 is the promoter and the respondent no.3 Deepak Kumar is the Sales Manager of the respondent - company. He further submits that the Agreement For Sale was executed on 22.11.2017 between the complainant and the respondent no.1 to purchase Flat no.105 on 1<sup>st</sup> floor in Block –D along with car parking in the project on consideration amount of Rs.34,25,000/- out of which he made payment of Rs.5,13,750/- which finds mention in the Agreement. Thereafter, the complainant requested the respondents to provide necessary documents for getting the loan sanctioned but they did not supply. Consequently, the complainant sent notice by mail dated 08.06.2023 for cancellation of allotment and refund of his money of Rs. 5,13,750/-, which is kept on the record, and that notice was sent by post also. He also submits that the complainant had also deposited Rs.19000/- to the respondent no.3 in connection with cancellation of Agreement For Sale.

3. The Authority notes that vide proceeding dated 05.09.2024 the respondents were directed to file reply and appear on the next date of hearing with further direction that in case of non-compliance/non-appearance, it would be presumed that the respondents have nothing to say in this matter and an order would be passed on the basis of material

available on the record and no further adjournment would be given in this case, but today the respondent has neither appeared nor filed counter reply. Hence, the Authority is left with no option but to pass the order on the basis of material available on the record.

4. Perused the record. The Authority observes that the respondent no.1, the landowner, neither honoured the commitment made to the complainant of handing over the flat nor has been refunding his money in spite of requests made by him and notice sent to him by mail dated 08.06.2023. The Authority further observes that the respondent is not showing interest in getting this case disposed of because of the fact that the respondent did not appear before the Authority in spite of notice issued on 06.09.2024. Considering the hardship being faced by the complainant and also the indifferent and non-cooperative attitude of the respondent – promoter, the Authority does not think it proper to allow this case pending for further period and, accordingly, this case is disposed of today itself.

5. Taking into consideration the submission made by the complainant's counsel and on going through the material available on the record, the Authority directs the respondent no.1, the landowner of the respondent - company M/s Astik Buildcon Pvt. Ltd., to refund the principal amount of Rs.5,13,750/- to the complainant along with interest within sixty days of issue of this order. The rate of interest payable by the promoter shall be at two percent above the prevalent Prime Lending Rates of the State Bank of India on the date on which the amount becomes due till the date of payment.

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/-  
S.D. Jha,  
Member**