

**REAL ESTATE REGULATORY AUTHORITY, BIHAR
IN THE COURT OF ADJUDICATING OFFICER, RERA, BIHAR**

RERA/CC/199/2024

RERA/AO/66/2024

Lakshmi Kumari-----Complainant

v.

M/s Marathon Systems Pvt. Ltd. ----- Respondent

PROJECT:KARTIKEY ENCLAVE

14/07/2026

ORDER

The complainant has filed this case to direct the respondent to pay the compensation of Rs. 10,00,000/- (Rs. Ten Lakh only) for mental harassment, to refund the excess amount of Rs. 4,82,559/- taken against the shortage of areas and also litigation charge as also Rs. 51,000/- as legal expenses.

The complainant's case in brief is that the complainant entered into registered agreement for sale dated 27.01.2020 with the respondent to purchase a flat for an area of 1305 sq. ft. (super builtup area). The price of the proposed project was offered as a total consideration amount of Rs. 38,34,000/- (Rupees Thirty-Eight Lakh Thirty-Four Thousand only) which includes the amount of car parking and other amenities provided within the premises and accordingly the complainant paid Rs. 7,66,800/- which is double from ten percent booking amount in terms of RERA Act. The complainant paid the entire consideration amount and thereafter finally on 31.05.2023 registered sale deed was executed in favour of the complainant. In the sale deed the respondent claimed to have delivered the flat for an area of 1305 SBA, in which 959 Sq. ft. has been carpet area which does not match from the measurement done by Ameen in which total area comes to 784.3 Sq. Ft. after calculating wall to wall, carpet area and balcony area and thus, there is shortage of 120.7 Sq. Ft. approximately and thus the respondent

grabbed Rs. 4,82,559/-. At the time of giving possession of the flat, the respondent has promised that they will provide a reserved car parking space on the ground floor for which lottery will be adopted and accordingly, the respondent has sent notice dated 6th May, 2023 inviting all its allottees including the complainant to attend the meeting in which parking space will be allotted and accordingly, lottery process was held in presence of the respondent and allottees and finally the complainant won car parking space no.1. The respondent promised that he will issue allotment letter within a week but despite repeated request, no letter with regard to parking space was issued to the complainant.

Heard Shri Ishtiyaque Hussain, learned counsel for the complainant. Despite having been granted several opportunities through notice and adjournments, none has appeared on behalf of the respondent. Accordingly, the matter is being decided ex parte.

After perusal of the record and hearing the learned counsel for the complainant, it appears crystal clear that the complainant has taken possession of the concerned flat with all amenities. The only allegation is regarding less carpet area has been given, whereas as per sale deed carpet area has been shown as per the agreement of sale. As per absolute sale deed, the complainant has accepted it with car parking space and other amenities after being fully satisfied and in such situation he cannot raise any allegation regarding either less carpet area or car parking space or any other deficiency after taking possession. So there is no need to give any compensation. Thus, this case is hereby dismissed.

Sd/-

(Vinod Kumar Tiwari)
Special Presiding Officer
RERA, Bihar