



5 lakhs, litigation cost of Rs. 3 lakhs and travelling expenses of Rs. 2 lakhs, total Rs. 10 lakhs are to be given.

5. A reply on behalf of the respondent is filed stating therein that the points raised in the complaint petition are misleading and fabricated. The real fact is that the respondent begins to purchase the land when the State Government announced an Airport in Bihta and the people also in anticipation approached and paid amount in the said project. The proposed project plan was firstly made on the paper, although the work of demarcation had not begun and there was no internal road, no plotting and no demarcation. In lieu of payment obtained sale deed in their full knowledge that there is no demarcation, no plotting, no road etc., and no amenities at all on the spot and the development of the project will take time, they agreed. A sale deed was executed in favour of complainant vide deed of sale No. 12627 dated 27.04.2010 and thereafter exchange deed was executed on 12.07.2010 and that land has been bounded by a boundary wall and mutation has been made in Anchal Office, Bihta. Several land owners did not provide the land and therefore, project could not be completed. As per the order of the Hon'ble Supreme Court in New Tech Promoters & Developers Pvt. Ltd. vs. State of U.P. (2021) in para 54 it will be applicable after getting the ongoing projects. The Appellate Tribunal by order dated 02.05.2023 in case No. 1 of 2023 has held that such type of cases is not maintainable. The complainant has been handed over alternative which he has accepted voluntarily without any objection, so compensation as claimed is not maintainable and it is with oblique motive. After enjoying benefit, he cannot turn around and claim additional compensation. The respondent has given on purchasing land which registration value is 1,60,000/- per decimal, whereas earlier registration value was still 76,000/- per decimal. Equity does not permit double benefit. The respondent had applied for registration but could not be registered for want of sanction map by competent Authority. The respondent being a law abiding citizen and to save his goodwill who is running in very loss and has provided the land. Hence, the complaint petition is fit to be rejected.

6. It is admitted fact by both the parties that the complainant of this case filed a case before the Authority and in that case another land was given to the complainant by exchange deed. The complainant has stated in his

petition that he has come in this court for compensation as per order of the Authority dated 28.11.2022. Whereas the learned counsel for the respondent stated that the respondent company has gone in Civil Appeal in Supreme Court of India and that case is pending till today. There is neither any stay order nor any compensation matter is pending.

7. After perusal of the order dated 28.12.2022 it appears that the Authority has given liberty to press compensation matter before the Adjudicating Officer. The complainant has come to this Court for compensation as per direction of the Authority and complainant got another piece of land by deed of exchange and due to exchange of land the complainant has mental agony and physical harassment as also litigation cost.

8. Considering the facts and circumstances of the case, the respondent is directed to pay Rs. 1,00,000/- for compensation for mental agony and litigation cost of Rs. 50,000/-. The respondent is directed to pay the aforesaid amount within a period of two months of this order, failing which the complainant may proceed further as per law prescribed.

9. With the aforesaid observation and direction, this case is disposed of.

Sd/-

**(Vinod Kumar Tiwari)**  
Adjudicating Officer  
RERA, Bihar