

REAL ESTATE REGULATORY AUTHORITY, BIHAR
IN THE COURT OF SPECIAL PRESIDING OFFICER, RERA, BIHAR
RERA/CC/538/2024

Rajesh Raushan **Complainant**

Vs

M/s Rukmani Buildtech Pvt. Ltd. **Respondent**

Project: CHHATRAPATI SHIVAJI GREENS

Present: For the Complainant: Mr. Sumit Kumar, Advocate
For the Respondent: None

08.04.2026

ORDER

Heard Mr.Sumit Kumar, learned counsel appearing on behalf of the complainant. None has appeared on behalf of the respondent.

2. The complainant has filed this case to direct the respondent to hand over the physical possession of the allotted/purchased Flat no.109 Block-G along with registry of the Flat in the Project in question and to complete the Project in question and also to provide amenities in terms of the brochures and Agreement for Sale dated 20.02.2021 and to initiate proceeding under Section 8 of the RERA Act, 2016 with liberty to seek compensation against the respondent from the court of the Adjudicating Officer. Learned counsel for the respondent also requested to direct the promoter not to create any third party interest in respect of the booked flat, which is mentioned in the interim prayer.

3. The facts of the case, in brief, are that the complainant had booked a 3-BHK Flat, bearing No.109 in Block-G along with an exclusive car parking space in the Project, namely, "Chhatrapati Shivajji Greens" to be developed near Shri Ram Girls' School Ektapuram Bhogipur, New Jaganpura By-Pass on the land bearing Khata Nos.33 & 29, Plot nos.306 & 307, Thana No.104, Mauza - Bhogipur, District-Patna, Bihar, for a total consideration amount of Rs.34,50,000/-. An allotment letter dated 10.04.2013 was issued to the complainant in respect of the booked flat after an initial payment of Rs.3,45,940/-.

After repeated requests made by the complainant, an unregistered Agreement for Sale dated 20.02.2021 in favour of the complainant was executed. After the enforcement of the Real Estate Regulation and Development Act, 2016, the respondent got the Real Estate Project, namely, "Chhatrapati Shivaji Greens" registered with the Authority bearing Registration No BREERRAP00089-4/165/R-166/2018 dated 13.09.2018 commencing from 13.09.2018 till 31.12.2019. However, the respondents have failed to complete and hand over the physical possession of the booked flat along with amenities and facilities as promised in terms of the Brochure and Agreement for Sale within the stipulated time frame and further the RERA Registration of the Project has already lapsed and the Project now falls in the category of lapsed Project. The complainant has already paid a total sum of Rs.8,13,000/- out of the total consideration amount of Rs.34,50,000/- till date, but the Respondent has not executed Absolute Sale Deed in favour of the complainant and further the Respondent never raised any demand letter. The complainant is ready to pay the balance consideration amount and had repeatedly requested the respondent to execute Absolute Sale Deed and hand over the physical possession of the Flat, but the respondent paid no heed to his request and the complainant thereafter served a Legal Notice dated 24.01.2022 upon the respondent, but in vain. The complainant being aggrieved with the conduct of the respondent has preferred the instant complaint case.

4. The respondent never appeared despite several opportunities given by this court and as such, this record proceeded *ex parte*.

5. Having heard learned counsel for the complainant and after perusal of the complaint petition and the documents annexed thereto, it appears that the complainant is entitled to get the reliefs, as sought for. The respondent is thus directed to hand over the physical possession of the allotted/purchased Flat No. 109 Block-G along with registry of the Flat in the Project in question with all amenities in terms of the Agreement for Sale dated 20.02.2021. The respondent/promoter is also directed not to create any third party interest in respect of the concerned booked flat.

6. The complainant is at liberty to file a complaint before the Adjudicating Officer for compensation.

7. With the above observations/directions, the case stands disposed of.

Sd/-

(Vinod Kumar Tiwari)
Special Presiding Officer,
RERA, Bihar