

REAL ESTATE REGULATORY AUTHORITY, BIHAR
IN THE COURT OF SPECIAL PRESIDING OFFICER, RERA, BIHAR
RERA/CC/661/2019
RERA/AO/440/2020

Rashmi Kumari ----- Complainant

v.

M/s Dreav Heaven Homes Pvt. Ltd. ----- Respondent

PROJECT : APNA BASERA

09/06/2026

ORDER

None appeared on behalf of either the complainant or the respondent. Since this matter is one of the oldest pending cases, it is being disposed of on the basis of the materials available on record.

2. The complainant has filed this case to direct the respondent company to refund the amount paid Rs. 21,73,000/- along with 24% interest, Rs. 3,00,000/- to the complainant as compensation for unfair trade practice, to pay a sum of Rs. 1,00,000/- as reimbursement of legal expenses, to pay a sum of Rs. 3,00,000/- as compensation for mental harassment and anxiety and any other relief/s to which may deem fit and proper in the interest of justice.

3. The complainant's case in brief is that the complainant and the respondent entered into an agreement for sale on 24.08.2015 for a flat in the project namely APNA BASERA, situated at Chittaur Nagar, New Area, Aurangabad, Bihar for the consideration amount of Rs. 21,73,828/- out of which he has paid Rs. 10,05,000/- directly to the account of respondent no. 1 and Rs. 7,61,000/- was paid in cash. The complainant has taken loan from the SBI, Aurangabad amounting to Rs. 11,25,000/- and he is paying interest on it. The respondent has abandoned the project and fled away, even after receiving money. The complainant approached the land lady, who is the respondent no. 3, who said that she is still owner

of the land and none has got any right over the said land by virtue of the development agreement entered into between the respondent no. 1, 2 and no. 3.

4. The respondent no. 4 appeared and filed a counter affidavit stating therein that the present complaint case is unwarranted against this respondent and is fit to be dismissed. This case is not maintainable as the subject matter of this case is already pending before the Consumer Commission, Aurangabad since 2017, whereas the present case was filed before this Authority in the year 2019 and this fact has not been disclosed by the complainant and the principle of estoppel is applied in this matter. The complainant attempts to misuse multiple legal forums. This respondent has neither entered into any agreement related to the matter nor constructed any building comprising apartments for sale to any individual or the general public. The concerned land is completely for their private use and private construction and as such this case is fit to be dismissed.

5. The respondent no. 5 also filed a counter affidavit stating therein that this case is not maintainable and is fit to be dismissed. The complainant has neither filed any reply on both maintainability petitions nor is appearing in this case.

6. Perused the case record. After perusal of the case record it appears that the respondent has filed a petition and has stated that a case related to this matter is pending before the Consumer Forum and for this fact he has filed a petition copy of which has been filed in the consumer forum and the order of the consumer forum is also annexed with it.

7. Considering the aforesaid facts and circumstances it appears that the same type of case is pending before the court of Consumer Forum, which is earlier than this case and the complainant neither has brought any evidence to show that the case pending before Consumer Forum has been withdrawn and taken permission to file that case in RERA and violated section 71 of proviso. In such a situation simultaneously this case is not maintainable RERA.

8. In the facts and circumstances, this case is dismissed as not maintainable either in the eye of law and on facts.

Sd/-

(Vinod Kumar Tiwari)

Special Presiding Officer
RERA, Bihar