

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

RERA/CC/ 56/2021

RERA/AO/37/2021

Kumari Nayna

.....Complainant

Vs

M/s Apna Ashiyana Buildcon Pvt. Ltd.

Respondent

Project: R.P. Singh Dangi

18/12/2025

ORDER

Hearing taken up. Heard Shri Raghuraj Pratap, learned counsel for the complainant. There is no representation on behalf of the respondent. The learned counsel has filed a supplementary affidavit on behalf of the complainant, which is kept on record.

2. This complaint case is filed to refund the complainant the entire amount of Rs. 5,50,000/- received from the complainant towards booking/ part consideration of Flat No. 206, Block “B”, 3 BHK 2nd Floor, in the project ‘INDRAPRASTHA’ and also to pay the complainant interest on the aforesaid amount. It is also prayed for compensation for mental agony, harassment, financial loss and escalation in property prices suffered due to the acts and omission of the respondent. It is also prayed for penalty on the respondent for non-compliance of the statutory and contractual obligation and for indulging in unfair and fraudulent practices and also for grant of any other relief/reliefs to which the complainant is entitled to.

3. The fact of the case in brief is that the complainant is a buyer of an apartment Flat No. 206, in Block- “B” in the project INDRAPRASTHA being built by the respondent builder MN/s APNA ASHIANA BUILDCON PVT. LTD., which was later registered as RPSINGH DNMGI RERA Registration No. BRERAP00049-01/348/R-119/2018. The complainant has put his

hard-earned money towards realizing his dream of owning a house in Patna, only to later realize that he has fallen into the trap of the fraudulent intentions of the respondent builder.

4. The complainant booked the aforesaid flat by initially paying the booking amount of Rs. 3,00,000/- through cheque and entered into an agreement of sale for consideration of Rs. 17,50,000/-. The respondent paid an amount of Rs. 2,50,000/- through cash. The builder promised to complete the construction of the flat within a total period of 3 years with 6 months' grace period months. As such the construction should have been fully completed by the end of June, 2020. The respondent has not given possession within the prescribed period by his fraudulent conduct which had caused extreme financial loss and mental agony to the complainant. The complainant was asked to wait so that the same could be finalized finally on 07.12.2020, but it has not done.

5. This case is of the year 2021. Several adjournments have been granted and several times notices have been given to the respondents to appear but he neither appeared nor filed any reply to it and the record proceeded *ex-parte*. In such a situation this case is to be decided on the basis of the materials available on record.

6. As per agreement of sale, the statement of the complainant and the documents filed by her appear to be true. So far relief with regard to the entire amount, its interest and penalty is concerned, it is a matter of Authority. This matter can only be decided by the authority and Adjudicating Officer has no jurisdiction on it. There is no doubt that due to the act of the respondent, the complainant has gone into mental agony and financial loss. So the respondent has to pay

compensation, regarding mental harassment, mental agony, financial loss and also legal expenditure.

7. Considering the aforesaid facts and circumstances, the complainant is entitled to get compensation for litigation cost of Rs. 1,00,000/- and is also entitled for compensation of mental agony and harassment caused to him for which Rs. 1,00,000/- is also awarded.

8. The respondent is directed to pay the aforesaid amounts within 60 days from the date of issue of this order.

9. With the aforesaid observations and directions this case is disposed of.

Sd/-

(Vinod Kumar Tiwari)

Adjudicating Officer
RERA, Bihar