REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

Hon'ble Member Mr. S. D. Jha, RERA, Bihar,

RERA/CC/613/2022

Priyanka Bharti …… Complainant

Vs.

M/s Patna Green Housing Pvt. Ltd. …….. Respondent

For the complainant: Mr. Sharad Shekhar, Advocate &
Mr. Mukesh Kumar, Advocate

For the Respondent: None

Project:– METRO GREEN CITY

O R D E R

01.02.2024 Hearing taken up. Mr. Sharad Shekhar, Advocate and his Junior Counsel Mr. Mukesh Kumar, appears for the complainant. The respondent is absent.

This case has come on the board on the application dated 1.12.2023 for restoration of the complaint (RERA/CC/613/2022) which was dismissed vide proceeding dated 26.10.2023.

Learned counsels for the complainant submits that they could not file the supplementary affidavit amending the prayer for refund of money to possession of plot in compliance of the proceeding dated 24.8.2023 due to personal difficulty.

Perused the restoration application dated 1.12.2023 and the order dated 26.10.2023. The Authority observes that the complainant's counsels have not brought on record any convincing reason for restoration of this complaint as well as non- compliance of the proceeding dated 24.8.2023, wherein on the request of Mr. Mukesh Kumar, Junior Counsel of Mr. Sharad Shekhar, Advocate, he was directed to file supplementary affidavit amending the prayer for refund of money to possession of plot within two weeks and the case was put up for hearing on 4.10.2023. On that date also Mr. Mukesh

Kumar, Advocate, was present and sought two weeks more time to file Supplementary Affidavit and on his request the case was put up for hearing on 26.10.2023 with further direction that in case of non-compliance it would be presumed that he has nothing to say in this regard and the case would be decided on merit on the basis of material available on the record. It was also made clear therein that no further adjournment would be given in this case, but on 26.10.2023 the complainant's counsel neither appeared nor filed the Supplementary Affidavit. Consequently, the Authority dismissed the complaint vide order dated 26.10.2023 elaborating all the facts as mentioned above. Further, there is no provision in the RERA Act, 2016 for restoration of a complaint case particularly in a case where sufficient opportunities were given to the complainant and the counsel of the complainant was also heard.

In view of the aforesaid facts, the restoration application dated 1.12.2023 is dismissed and the restoration application is , accordingly, disposed of.

Sd/-
S.D. Jha,
Member