REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/CC/190/2023

RERA/AO/19/2023

Asheesh Shanker Sharma …… Complainant

Vs.

M/s VastuVastaya Builder Pvt. Ltd. ……. Respondent

For the complainant: Mr. Abhishek Kumar, Advocate

For the Respondent: Mr. Sachin Kumar, Advocate

Project:– MALTI KUNJ

PROCEEDING

02.04.2024 This case has come on transfer from the Bench of Hon'ble the then Chairman Mr. Naveen Verma vide proceeding dated 18.12.2023.

Hearing taken up. Mr. Abhishek Kumar, Advocate, appears for the complainant. Mr. Sachin Kumar, Advocate, appears for the respondent.

Learned counsel for the respondent submits that this case is not maintainable on the ground that the present case has been filed for refund of principal amount but in this case Absolute Sale Deed of the flat in question has already been executed in favour of the complainant on 31.3.2022 and the complainant has been residing therein for the last two years. Further, the Occupancy Certificate has also been issued by the competent Authority on 1.10.2022.

In the last proceeding dated 18.12.2023, as requested, the respondent was directed to file counter reply but the same, as evident from the record, has not yet been filed.

Learned counsel for the respondent requests for one week's time to file counter reply, which is allowed. He is directed to file the same within a week with a copy to the complainant, who will file rejoinder, if any, within a week thereafter with a copy to the respondent clearly indicating

therein as to how he may claim for refund when he has already taken possession of the flat in question and has been residing therein for the last two years after execution of Absolute Sale Deed on 31.3.2022. In case of non-compliance by either of the parties, it would be presumed that he has nothing to say further in this matter and an order would be passed on merit on the basis of material available on the record.

Put up for hearing on 29.4.2024.

Sd/-
S.D. Jha,
Member