



**REAL ESTATE REGULATORY AUTHORITY (RERA)  
IN THE COURT OF ADJUDICATING OFFICER**

**4<sup>TH</sup> & 6<sup>TH</sup> FLOOR, BIHAR STATE BUILDING CONSTRUCTION CORPORATION CAMPUS  
HOSPITAL ROAD, SHASTRI NAGAR  
PATNA-800023**

**RERA/CC/1501/2020**

**RERA/AO/482/2020**

Sri Navin Kumar, S/o Late Shyam Narayan Prasad, R/o Akashwani Road, Chauraha, Near Blue Well Academy, Bailey Road, Khajpura, Patna-800014.

... Complainant

Versus

1. M/s Sudha Engicon Pvt. Ltd., 4<sup>th</sup> Floor, Geetanjali Homes, Opp: R.K. Puram, Saguna, Danapur- Khagaul Road, Patna-801503.

Through it's Director;

2. Sri Bipin Ranjan, S/o Late Vijendra Kumar Singh, R/o Vill-Pipra, P.O.+P.S.-Parsa Bazar, Patna-804453.

... Respondents

**INTERIM ORDER**

02-07-2021 This complaint petition is filed by the complainant, Sri Navin Kumar against the Respondent No.1, M/s Sudha Engicon Pvt. Ltd. through it's Director, Respondent No.2, Sri Vipin Ranjan that as per Agreement dated 24-04-2019 on payment of remaining consideration deliver Shop No.17 on the 1<sup>st</sup> Floor in Block-A of their project "Om Tower" and or in alternate refund the paid principal amount Rs.3,46,846/- along with interest etc. to him.

The complainant has claimed that area of allotted Shop No.17 on 1<sup>st</sup> Floor in Block-A of the project "Om Tower" of the Respondents is only 85 sq.ft., whereas in the Deed of Agreement for Sale

dated 24-04-2019 the carpet area of the said Shop was promised 111.6 sq.ft. equal to super built up area 145 sq.ft. along with pro-rata share in the common areas of the Apartment. The learned lawyer for the complainant submitted that the complainant is ready to pay the remaining consideration as per measurement of the Shop No.17 of the said project, as area of the shop assured by the Respondents in the Agreement Deed dated 24-04-2019 is not available on the site of the project. Hence, the Shop may be got measured by RERA team, so that the actual measurement may be available on record. Whereon, the learned lawyer for the Respondents submitted that the Shop No.17 having the same area assured in the Agreement dated 24-04-2019 was to be handed over to the complainant. But since the complainant has not paid the remaining consideration, in spite of repeated reminders; hence, allotment of Shop No.17 to the complainant has been cancelled. He further submitted that since the allotment of shop has been cancelled, there is no need for measurement etc. of the concerned Shop.

Now, due to claim and counter claim of the parties about the availability of actual area of the Shop No.17 on 1<sup>st</sup> Floor in Block-A of the project "Om Tower" situated at Mauza-Amhara, Paragana and Survey Thana-Maner, present P.S.-Bihta ,Town and District-Patna, Bihar of the Respondents, it is felt necessary to get the area of the said Shop measured by RERA team, which will help in arriving at a conclusion of the case.

Therefore, a RERA team consisting of Shri Jainandra Kumar Pradhan, Advocate and Sri J.M. Rai, A.E. is directed to visit at the site of the project “Om Tower” situated at Mauza-Amhara, Paragana and Survey Thana-Maner, present P.S.-Bihta, Town and District-Patna, Bihar of the Respondents, after intimation to the parties, and after measurement of Shop No.17, submit it’s report within a fortnight.

Sd/-  
(Ved Prakash)  
Adjudicating Officer  
RERA, Bihar, Patna  
02-07-2021