

**IN THE COURT OF ADJUDICATING OFFICER,
REAL ESTATE REGULATORY AUTHORITY (RERA)
6TH FLOOR, BIHR STATE BUILDING CONSTRUCTION CORPORATION BUILDING
HOSPITAL ROAD, SHASTRI NGAR
PTNA-800023**

1. Complaint Case No.RERA/CC/528/ AO / 125/2019 – Smt. Rita Sinha, C/o Remnendra Kumar Sinha, Mohalla-Sharda Nagar, Kanhauli Math, P.O.-Ramna, Distt-Muzaffarpur-842002 ... Complainant
- Versus
1. M/s Agrani Homes Pvt. Ltd., Patna
Through:-
2. Sri Alok Kumar, C.M.D., S/o Sri Padum Singh, House No.15, Ward No.1FA, Patliputra Colony, Near Ruban Hospital, District-Patna-800013 ... Respondents

Present:

**Sri Ved Prakash
Adjudicating Officer**

Appearance:

- For Complainant ... None
- For Respondents ... Mr. Ankit Kumar, Advocate

ORDER

25-09-2020

The complainant, Smt. Rita Sinha is absent, but on the other hand, Sri Ankit Kumar, Advocate appeared on behalf of the Respondents, through video conferencing.

2. On going through the record, it appears that the complainant, prior to filing of the present complaint case, has filed a complaint case for the same cause of action before the learned District Consumer Forum, Muzaffarpur.

As per proviso of Section-71(1) of Real Estate (Regulation and Development) Act, 2016, firstly, the complainant should have withdrawn the complaint petition pending before the learned District Consumer Forum and thereafter she should have filed the present complaint case, but she has filed the present complaint petition in this Court without withdrawal of the previous complaint case presented before the learned District Consumer Forum, Muzaffarpur. Hence, the order in present case cannot be passed by this Court, as the present case should not have been admitted by this Court during the pendency of the same case before the learned District Consumer Forum. However, since the complainant has not informed to this Court, the pendency of the same case in learned District Consumer Forum and the case was admitted and notice has been issued to the Respondents and they have also filed reply in this case, so it was repeatedly directed to the complainant to withdraw the case pending before the learned District Consumer Forum and thereafter this case will be heard on merit. It is also to be added that in spite of several chances, the complainant failed to withdraw the complaint petition presented before the learned District

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Consumer Forum, Muzaffarpur and now neither she is appearing in the Court nor making any response on phone call by the staff of Real Estate Regulatory Authority (RERA), Bihar. In such circumstances, it is not reasonable to continue the proceedings of this Court during pendency of the complaint petition presented before the learned District Consumer Forum, Muzaffarpur. Hence, it is reasonable to discontinue the proceeding of this case, as two cases for the same cause of action cannot be availed by the complainant, which also find support from the proviso of Section 71(1) of RERA Act, 2016.

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3. Accordingly, this complaint petition of the complainant, Smt. Rita Sinha is hereby dismissed.

Sd/-
(Ved Prakash)
Adjudicating Officer
RERA, BIHAR
25-09-2020