

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

RERA ComplaintCaseNo.127/2018

(Adjudicating Officer Case No.11/2018)

Sri Rukmanand Singh, S/o Haribansh Narayan Singh, Vill+P.O.-Rampur, Via-Mahuwa, District Vaishali. ... Complainant(s)

Versus

M/s Ashwani Enterprises Pvt. Ltd., through its Managing Director, Sri Ahwani Kumar Singh, G-01, Ashwani Enclave-II, Beside AIIMS, NH-98, Phulwarisharif, Patna-801505 ... Respondent(s)

Present:

**Sri Ved Prakash
Adjudicating Officer**

Appearance:

For Complainant(s)

Sri Rukmanand Singh,
Complainant

For Respondent(s)

Sri Deepak Kumar,
Advocate

ORDER

21-05-2019

The complainant, Rukmanand Singh has filed this complaint case against the Respondent, Sri Ashwani Kumar Singh for refund of Rs.4,60,000/- along with interest accrued on this amount and compensation for mental and physical harassment.

2. In nutshell, the case of the complainant is that the complainant has agreed to purchase a 3 BHK flat in "Ashwani Ganga Vihar" and he has advanced Rs.5.00 lacs (Rupees five lacs only) till January, 2014. Later on the plan was cancelled by the

Government. The Respondent was ready to give a flat at another location where the complainant was not ready to accept as it was far away from his desired location. So he demanded refund of his capital amount whereon the Respondent has refunded Rs.40,000/- on 10-04-2015, later on he stopped the payment of refund, hence this case.

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3. On appearance, of the Respondent through his learned lawyer, Sri Deepak Kumar agreed to compromise this case with the complainant. Both the parties have amicably settled the disputes and they have agreed that till January, 2014, the complainant has paid Rs.5.00 lacs (Rupees five lacs) to the Respondent and later on 10-04-2014 the Respondent has refunded Rs.40,000/- (Rupees forty thousand only) to the complainant. Now, both the parties have decided that the Respondent shall pay Rs.6.00 lacs (Rupees six lacs only) total including capital amount, interest and compensation to the complainant in four equal instalments, which will start since May, 2019. It is further agreed between the parties that excepts.6.00 lacs (Rupees six lacs only) nothing will be paid to the complainant by the Respondent, but if the Respondent will fail in payment as agreed, he will pay interest @ 10% per annum with compound interest along with compensation. It is also agreed between them that before the last equal instalment of refund, the complainant shall withdraw the criminal complainant case No.2818(C)/2015 pending in the Court of Judicial Magistrate, Patna. It is also agreed that in light of comprise between the

parties, the instant complainant case may be disposed of. The Respondent has authorised his learned lawyer, Sri Deepak Kumar to settle the disputes with the complainant on his behalf and he shall abide with the agreement between the parties.

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4. On the basis of compromise petition between the parties, it is clear that both the parties are ready to get disposed of the instant case. It appears that in interest of the parties it is not proper to proceed with the case. Therefore, this complainant case is disposed of in terms of the compromise petition dated 21-05-2019 entered between the parties, which will be part of the order.

Sd/-
(Ved Prakash)
Adjudicating Officer
21-05-2019