



**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

Case No. RERA/CC/530/2019

RERA/AO/127/2019

Mrs. Khushboo Mishra .... .. Complainant

Vs

M/s Aditya Bhaskar Infra & Services Pvt. Ltd. .... Respondent

**Project: SUNDAR CITY, PHASE-II**

**ORDER**

**18/09/2023:**

Heard Mr. Bimal Kumar Tripathi, father and authorized representative of the complainant on her behalf and Mr. Mohit Raj, learned counsel for the respondent.

2. The complainant has filed this complaint petition for a direction to respondent no.1 and 2 to return the entire amount received by them from the complainant in respect of project “Sundar City, Phase-II, Bihta” with interest @ 18% per annum from the date of booking till date of refund.

3. After receiving notice the respondent has entered appearance and filed reply. It is stated in the reply that for the same occurrence the complainant has filed two cases. On the one hand she has filed the present case on the other hand she has filed another case bearing Rupaspur P.S. Case No.423 of 2020 during the pendency of this case. It is further stated therein that the respondent has filed anticipatory bail petition in respect of Rupaspur P.S Case No.423 of 2020 before the learned Additional District and Sessions Judge-6, Danapur. During the pendency of the aforesaid anticipatory bail petition bearing A.B.P. No.568/21 an affidavit has been filed by the complainant before the learned court of A.D.J.-VI, Danapur which is as follows:

“I, Khushbu Mishra, W/o Prashant Mishra, R/O C.K. Road Near Exchange Office M.P. Bagtari Ara, P.S. Tawn, District-Bhojpur do hereby solemnly affirm and declare as follows:

- (1) That I have received entire amount from the petitioner Prashant Kumar.
- (2) That no amount is now due to me from Prashant Kumar
- (3) That I am undertaking to withdraw all the case filed by me against Prashant Kumar in any court or tribunal or forum whatsoever in any part of the country.
- (4) I shall abide by Para (i) to (iii) failing which I will be guilty of contempt of court and accordingly action under the law.”

4. Learned counsel for the respondent submitted that considering the said affidavit the learned Additional Sessions Judge-VI, Danapur, Patna had been pleased to allow the A.B.P. No.568/2021 (respondent herein). A copy of the order dated 27.02.2021 passed in A.B.P. No.568/2021 is placed on record.

5. A petition has also been filed on behalf of the complainant herein 02.02.2023 stating therein that principal amount has already been refunded to the complainant. It is further prayed therein for payment of interest and compensation.

6. Considering the submissions of both parties and perusal of the records this court finds no merit in this complainant petition because the complainant has already compromised the case before the learned Additional District and Sessions Judge-VI, Danapur where she has also filed an affidavit “that I am undertaking to withdraw all the case filed by me against Prashant Kumar in any court or tribunal or forum whatsoever in any part of the country.”

**7. This complaint petition is dismissed in the light of the affidavit/compromise petition filed before the learned Additional District and Sessions Judge-VI, Danapur.**

Sd/-

**(Amrish Kumar Tiwari)**  
**Adjudicating Officer**