

# **REAL ESTATE REGULATORY AUTHORITY, BIHAR**

2 nd Floor, BSNL Telephone Exchange, North Patel Nagar, Road No. 10, Patna -800023

**Hearing before the Bench of Hon'ble Chairman, Mr. Naveen Verma**

**Case No.:- RERA/CC/1198/2021**

**Viresh Nath.....Complainant**

**Vs**

**Narayan Realtech Pvt. Ltd.....Respondent**

**Project: Vishnudev Palace.**

**03.08.2022**

## **O R D E R**

This matter was last heard on 01.06.2022.

The case of the complainant is that he booked a flat in the project **Vishnudev Palace** for a total consideration of Rs.25,00,000 against which he paid Rs. 20,20,000/- in 2017-2018. Agreement for sale was executed on 9.09.2017. Later the respondent allotted another flat in the same project for a total consideration Rs.17,00,000 and refunded Rs.3,00,000. The complainant has filed the case seeking relief for possession of flat along with compensation of Rs.5,00,000 for mental harassment and litigation cost Rs.50,000.

The complainant has placed on record copy of Agreement for sale dated 09.09.2017.

On the last date of hearing, the complainant submitted that the project is registered with the RERA.

The Bench notes that while the project is registered with the RERA, Bihar no Quarterly Progress Report has been uploaded.

Issue notice to the respondent as to why a penalty of Rs. 1,00,000/- be not imposed upon them for not fulfilling the

obligations under Section 11 (1) of the Act and not uploading the quarterly progress report.

The Bench notes that despite issuance of notice, respondent failed to appear on the last date. Hence ex parte orders are being passed.

From the records and statement made before this Bench, it appears that the complainant himself has not cancelled the booking of his flat but, the respondent without any reason, unilaterally cancelled the booking of the Flat of the complainant returning an amount of Rs. 3 Lacs into his account without any information to the complainant.

After considering the documents filed and submissions made by the complainant, the Bench hereby directs the respondent and its Director to hand over the possession of the flat with all the amenities and facilities as per agreement for sale and brochure of the project.

The complainant is at liberty to approach the Adjudicating officer under relevant sections of the Act for their claims, which are in the nature of compensation from the respondent.

With these directions and observations, the matter is disposed of.

Sd/-

**Naveen Verma**  
**(Chairman)**