

REAL ESTATE REGULATORY AUTHORITY, BIHAR

2nd Floor, BSNL Exchange Building, Patel Nagar, Patna-800023.

**Before the Double Bench of Mr. Naveen Verma, Chairman &
Mrs. Nupur Banerjee, Member**

Case No. CC/1799/2020

Mohnish Kumar.....Complainant

Vs

M/s Hightech Ashian.....Respondent

PROJECT: - Ashiana Green

26.10.2021

ORDER

This matter was last heard on 14.9.2021. The complainant has filed the present case against Sonu Kumar, MD M/s High tech Ashiana Pvt. Ltd for restoring possession over five apartments .

The case of the complainant is that he had entered into agreement dt.02-09-2015, for the purchase of five Flat of the Apartment namely “Ashiana Green” and had deposited Rs.2.25 Crore(Two Crore Twenty Five Lakh) as total Consideration Amount and accordingly, the Complainant had got the mutation in his name bearing Jamabandi Case No.15349 before the Anchal Adhikari . It is also stated further that, the Complainant was in possession of the said Flats and also paying the rent to the State of Bihar. Subsequently, the Managing Director died, leaving behind his son namely Sonu Kumar who on 20-11-2020, forcibly captured and locked the five flats and took the possession. Since then the Petitioner is out of his possession of flats.

During the course of hearing on the last date i.e. on 14.09.2021, the respondent submitted that, RERA is not the proper forum to decide the genuineness of the compromise entered into by the parties and that the matter may be decided by the Civil Court.

The Complainant rebutted the submission of respondent submits that, he has filed online petition and denied any compromise agreement was entered with the respondent.

On perusal of the records it is found that no reply has been filed by the respondent. The complainant has filed copies of the registered deed and the order of mutation. No supplementary document has filed by the parties.

The Bench observes that the onus of proof of a compromise petition subsequent to the deed of absolute conveyance lies upon the respondent and no such material has been placed on record. The Bench directs the respondent company to handover the possession of the flats to the complainant forthwith. The complainant is at liberty to move for compensation before the Adjudicating Officer.

With this observation and direction, the present complaint case stands disposed off.

Sd/-

Nupur Banerjee
Member

Sd/-

Naveen Verma
Chairman