

REAL ESTATE REGULATORY AUTHORITY, BIHAR
IN THE COURT OF ADJUDICATING OFFICER, RERA, BIHAR

RERA/CC/35/2024
RERA/AO/02/2024

KanchanKumari **Complainant**

Vs

M/s Shree LokNath Baba Homes Pvt. Ltd. **Respondent**

Project: SARVAYONI CITY, BLOCK-D

Present: **For the Complainant: Mr. Anil Kumar, Advocate**
 For the Respondent: Mr. Sumit Kumar, Advocate

24.09.2025

ORDER

Heard Mr. Anil Kumar, learned counsel appearing on behalf of the complainant and Mr. Sumit Kumar, learned counsel appearing on behalf of the respondent.

2. This case has been filed to ensure compensation of Rs.5,00,000/- (Five lakh) for avoiding the rule and fails to complete or is unavailable to give possession over the flat as per agreement and fails to return consideration amount till date and also any other relief(s) it deems fit and proper.

3. The complainant's case, in brief, is that she agreed to purchase from the respondent a residential flat for a consideration amount of Rs.22,00,000/- on 01.07.2018. The complainant paid Rs.20,16,000/- on different dates. The complainant received a letter, bearing Letter No.SLNC/2022/044 dated 10.12.2021, issued by the Company that construction of Block-D (which was agreement part of the agreement sale) was cancelled due to dispute between the Company and the landlord and hence the Company is ready to return her money and requested to consult him within 25 days.

4. The complainant submitted her Bank account number with IFSC Code and requested to return the deposited amount with interest, but nothing returned till date. Thereafter, the complainant sent a legal notice through his

learned Advocate on 15.09.2022, but no action has been taken. Hence, the complainant filed a petition in RERA vide RERA/CC/601/2022, which was allowed vide order dated 27.09.2023, in which a direction has been issued to the respondent to refund the principal amount of Rs.20,16,000/- to the complainant along with interest at the rate of marginal cost of fund based lending rate (MCLR) of the State Bank of India as from the date of booking till the date of refund within 60 days of issue of this order and further directed that so far as the claim for compensation is concerned, the complainant is at liberty to press the same before the A.O. as per the provisions of the Act. Hence this petition. It has also been mentioned that the respondent has not complied the above order of the Authority of the RERA.

5. The respondent filed a written reply, stating therein that this case is not maintainable either on facts or in law. The Project “Sarvayoni City” is pre-RERA Project and the promoter decided to develop the project in four Blocks, namely, A, B,C and D and accepted booking in the said Project but after enforcement and enactment of the RERA Act, 2016, every ongoing project was required to be registered with RERA under Section 4 of the Act, but the promoter could not acquire sufficient land for the development of all the four Blocks due to certain terms and compliances of the RERA Act and the promoter decided to develop only one Block in the said Project and got the project registered with the RERA, bearing Registration No.BRERAP00263-2/350/R-587/2019.

6. The complainant booked the flat in question in Block-D of the project in the year 2016 and it was not developed due to lack of sufficient land, hence he could not deliver the possession of the booked flat. The respondent has accepted to refund the principal amount along with the interest to the complainant of this case and as such, this respondent is not liable to pay compensation.

7. The complainant has filed execution of the order passed by the Authority in the aforesaid Complaint Case vide RERA/Exe/50/2024, whereby the respondent has already refunded Rs.2,00,000/- to the complainant and has assured to return the entire amount within four months. The facts

which are not specifically denied shall not have been admitted by the respondent. Hence this case is to be dismissed as not maintainable.

8. Now, the issues involved in this case are as follows:

- (i) Whether this case is maintainable or not?
- (ii) Whether the complainant is entitled for compensation as sought for ?

Both issues are taken together.

9. After hearing both sides and on perusal of the records, it appears that it is an admitted fact that both the parties entered into an agreement dated 01.07.2018 for consideration money of Rs.22,00,000/- and Rs.20,16,000/- was given by the complainant to the respondent but due to non-availability of the land, the respondent-Company was not registered in the RERA and he cancelled booking of the flat concerned and the respondent himself admitted that he is ready to return the aforesaid consideration money paid by the complainant. It is also admitted fact that the order dated 27.09.2023 has been passed by the Authority of the RERA in RERA/CC/601/2022 to refund the principal amount of Rs.20.16 lakh to the complainant along with interest at the rate of marginal cost of fund-based lending rate (MCLR) of the State Bank of India as applicable for three years plus 2% interest from the date of booking till the date of refund within sixty days of the said order. It is further ordered that as regards the claim for compensation, the complainant is at liberty to press the same before the A.O. as per the provisions of the Act.

10. Accordingly, the complainant has filed this case before the Adjudicating Officer for compensation. Keeping in view the order of the RERA Authority and also under this Act, it appears that this case is maintainable in the eye of law and also on fact.

11. As the case is maintainable and accepting the fact by the respondent that he has not completed and given the concerned flat, the complainant feels that she has been fraudulently dealt with. In such a situation, the complainant should be compensated for mental agony and harassment.

Hence, it is ordered to pay Rs.5,00,000/- (Five lakh) as compensation to the complainant within two months of this order.

12. The complaint case is, accordingly, disposed of.

Sd/-

(Vinod Kumar Tiwari)
Adjudicating Officer
RERA, Bihar