

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

RERA/CC/369/2023
RERA/AO/45/2023

Rina Lal & Tapan Kumar **Complainants**

Vs

M/s R.R. Builders and Developers Pvt. Ltd. **Respondent**

Project: SANCHAR NAGAR, PHASE-1

Present: **For the Complainants: Mr. Rahul Srivastava, Advocate**
For the Respondent : Mr. Rahul Kumar, Advocate

07.10.2025

ORDER

The complainants have filed this case for payment of Rs.25,00,000/- as compensation for the delay in possession of the flat which has caused severe mental stress and trauma and also poor quality construction work against Agreement along with other reliefs. They have also sought for compensation of Rs.2,50,000/- as irreparable loss and litigation cost.

2. It is pertinent to mention here that the complainants have filed an amendment petition specifically stating therein that they are demanding reliefs para (a) and (c) of the relief portion mentioned in paragraph 5 only.

3. The case of the complainant, in brief, is that an Agreement for Sale was executed between the complainants and the respondent on 19th January, 2018 for a residential flat (Flat No.604) of 4 BHK on 6th floor measuring super built-up area 1851 Sq. ft. (along with covered parking space) for a consideration money of Rs.36,74,350/-, excluding the GST.

4. It is pertinent to mention here that the complainants preferred a complaint case, vide RERA/CC/122/2023, in the Real Estate Regulatory Authority (RERA), Bihar in which the Authority ordered on 15.04.2024 to hand over possession of Flat No.604 on 6th floor with car parking in the project “Sanchar Nigam, Phase-1” with all amenities as per the Agreement and execute the conveyance deed after completing all legal formalities within two months from the date of issue of this order. Further, the complainant is directed to make payment of remaining consideration amount along with interest levied

thereupon as per clause 5 of the Agreement before the execution of the conveyance deed. The Authority has held that out of the consideration amount of Rs.36,74,350/-,he paid Rs.32,93,397/-. The Authority further notes that the complainant did not make payment as per schedule of the Agreement in spite of the fact that the complainant was sent as many as eight reminders for making payment of due instalments and the said fact of sending reminder after reminder is not in dispute. Resultantly, the respondent-promoter by invoking clause 5 of the Agreement imposed interest at the rate of 18% per annum upon the complainant. The Authority also notes that the respondent is ready to hand over possession of the flat provided the complainant makes payment of full consideration amount along with interest levied thereupon as per clause 5 of the Agreement.

5. During argument, the learned counsel for the complainants argued that the complainants have preferred appeal against the aforesaid order in the Appellate Authority, which is pending before it and as such, the complainants have not complied the order of the RERA.

6. The learned counsel for the respondent argued that the complainants have not complied the order of the RERA and for that reason, the complainants are not liable for any compensation.

7. In reply, learned counsel for the complainants prays that as the matter is pending before the Appellate Authority, they did not comply the order and if the Appellate Authority orders anything, they will comply after the order of the Appellate Authority and also pray that if the Appellate Authority directs them, they will pay accordingly and after that they will be given an opportunity to file another compensation case.

8. Considering the aforesaid facts and circumstances and argument advanced by both the parties, it appears that the complainants cannot be compensated at this stage as they have prayed themselves to give liberty for filing another case of compensation after compliance of the order of the Authority.

9. As such, this case is disposed of with a direction to the complainants if they prefer compensation after the order of the Appellate Authority, they are at liberty to do so.

Sd/-

(Vinod Kumar Tiwari)
Adjudicating Officer
RERA, Bihar