

REAL ESTATE REGULATORY AUTHORITY, BIHAR
IN THE COURT OF SPECIAL PRESIDING OFFICER, RERA, BIHAR
 RERA/CC/39/2024

Smt. Shabnam Tiwari-----Complainants

v.

M/s DDL Infratech Pvt. Ltd. ----- Respondent

PROJECT: AGRANI WOODS

16/07/2026

ORDER

The complainant has filed this case to direct the respondent to handover the physical possession of the plot concerned with demarcated boundary to the complainant and to develop the project in accordance with sanctioned plan with all amenities and to bear all costs pertaining to process of handing over of the concerned plot. It is also for litigation cost with liberty to file case before the Adjudicating Officer for compensation and interest and any other relief/s as the Authority may deem fit and proper.

2. The complainant's case in brief is that the complainant and the respondent company entered into a registered absolute sale deed bearing no. 4592 dated 14.05.2019 for 2722 Sq. ft. of the land. The complainant had paid total consideration amount of Rs. 7,00,000/- (Rs. Seven Lakh only) but the respondent/ promoter has not yet handed over the physical possession of the said land. The respondent promised to provide earth filled plot, wide road, drainage system, water supply and electric connection after execution of the aforesaid sale deed but till date no such facilities and amenities have been provided in the plot/ project. The complainants searched the location of his plot, but they could not be able to locate the exact boundary. Then they asked the respondent company to handover the physical possession of the aforesaid plot, but the respondent failed to do so. Due to laches on the part of the respondent, the complainant filed this case.

3. The respondent appeared and filed reply to dismiss the case stating therein that this case is not maintainable. It has been stated that the State Government announced development plans for Bihta which included the construction of an Airport in Bihta, along with the construction of 3 new Highways, along with several other developmental plans. The respondent

planned to start a real estate project in 2010 anticipating that very soon the entire vicinity would be developed but till date it has not been developed. The respondent began to purchase land and the customers also in anticipation approached and entered into contingent contract and paid amount and as a token of security obtained sale deed without demarcation of plot, road and possession. In their full knowledge the several customers had booked their plots and began to wait for the development promised by the Government. They did not make the payment on time and due to that the development and demarcation of the project and purchase of land hampered for want of sufficient funds and some raiyat also not provided the land in outer and middle in several places in the project. The respondent had no option to carve out plot as per the previous plan. The motive of the respondent was always to complete the project and to provide the plot but it was not done due to above reason. After enactment of RERA Act, the respondent also applied for registration of the project in 2018 and in 2019 the complete RERA registration was given on dated 25.10.2019 till 31.12.2024. Thereafter the respondent has delivered the possession of the plot where the plot was available, but some persons have not been given possession due to above reason and he has returned and reverted back sale deed and also in some cases consideration amount had been returned.

4. The case is not maintainable as the project is beyond the planning area. Till date map has not been sanctioned by competent authority and could not be sanctioned by the competent authority because project is beyond the planning area. The Real Estate Appellate Tribunal has held in a REAT Appeal No. 2 of 2023 that the registration of the project on the basis of the map passed by Mukhiya is not maintainable, on which the complainant withdrawn the case and agreed to take refund as the appellate Authority has held that the Mukhiya has got no jurisdiction under the law to sanction building plan or layout plan for the plotted development and as such this case is not maintainable. Even though he is ready to refund the amount paid in instalment like several other customers.

5. Heard Shri Sumit Kumar, learned counsel for the complainant and Shri Rabindra Kumar, learned counsel for the respondent. Perused the case record.

6. After perusal of the case record and hearing, learned counsel for the respondent also stated that several orders have been made by the Authority in such type of cases to refund the amount to the complainant. In such a situation, this case also that order may be passed. Considering the facts, it appears that till date the respondent has not been able to handover the concerned plot as per Absolute Sale Deed due to lack of approved map by the competent Authority in future also. As such the complainant is entitled to get refund amount, which they had paid with interest. After perusal of the order dated 20.01.2026 in RERA/CC/405/2023, it appears that this case is also of the same nature and in such a situation same order appears to be justified.

7. So considering the aforesaid facts and circumstances, the respondent is directed to refund the principal amount of Rs. 7,00,000/- (Seven lakh only) which was paid by the complainant to the respondent along with interest within sixty days of issue of this order. The rate of interest payable by the respondent shall be calculated at the rate of marginal cost of fund-based lending rates (MCLR) of the State Bank of India as applicable for three years plus 2% from the date of booking till the date of payment. This order is to be complied within sixty (60) days from the date of this order.

8. The complainant is at liberty to press other claims, which are in the nature of compensation, before the Adjudicating Officer, RERA.

9. With the aforesaid observations and directions, the case is disposed of.

Sd/-

(Vinod Kumar Tiwari)
Special Presiding Officer
RERA, Bihar

