

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Hon'ble Inquiry Commissioner, Mr. Sanjaya Kumar Singh, RERA,
Bihar

RERA/CC/48/2025

Lakshmi Kumari

.....Complainant

Vs

M/s Marathon Systems Pvt. Ltd.

.....Respondent

Project: Kartikey Enclave

Present: For Complainant: Mr. Ishtiyaque Hussain, Advocate

For Respondent: None

10/09/2026

ORDER

The matter was last heard on 06.05.2026 when Mr. Ishtiyaque Hussain, learned counsel had appeared on behalf of the complainant but none appeared on behalf of the respondent. The order was reserved and is being pronounced today.

Learned counsel for the complainant submitted that the complainant had booked a flat bearing Flat No. 207 on 2nd floor having super built up area of 1305 sq.ft. in Block-A of the proposed project namely 'Kartikey Enclave' with a car parking space for a total consideration amount of Rs.38.34 lakh out of which she initially paid Rs.7,66,800/- to the respondent. Thereafter a registered agreement for sale was executed between the complainant and the respondent on 27.01.2020. He also submitted that the complainant has paid the entire consideration amount and thereafter the registered sale deed has been executed in favour of the complainant on 31.05.2023. On measurement by the complainant, it was found that the carpet area of the flat did not match with the actual carpet area and was short by 175 sq.ft. and he therefore has claimed that the respondent has dishonestly grabbed Rs.8,55,750/-. He further submitted that at the time of handing over the possession of the said flat, parking space no.01 was allotted to the complainant and the respondent had promised to issue an allotment letter within a week but despite repeated request, no letter with regard to the allocation of parking space has been issued to the complainant as yet. Finding no option, the complainant sent a legal notice to the respondent on 06.01.2024 requesting him to handover the parking space no.1 but the respondent did not pay any heed to the said request and the complainant is parking his vehicle somewhere else at a cost of Rs.2000/- per month. The complainant has prayed for a direction to the respondent to remove the illegal vehicle from the parking space allocated to the complainant and handover the parking space no.01 to the complainant and also refund the excess amount of Rs.8,55,750/- along with interest against the short area of the flat admeasuring 175 sq.ft. along with compensation and legal expenses.

On perusal of the record of the case, it appears that the respondent has been absent on all the dates of hearing held by this court. The respondent has neither appeared nor has filed any reply in respect of the present complaint

petition despite several notices given to him vide order dated 18.11.2025, 07.01.2026 and 12.02.2026 in adherence to the principle of audi alteram partem. On 06.05.2026 the respondent was given a final opportunity to file a written notes of argument but he has not bothered to file any written notes of argument till date.

The Bench therefore observes that this matter cannot be kept pending for an indefinite period. This Bench therefore deems it appropriate to dispose of this case as per the provisions contained in Order 8 Rule 10 of the C.P.C. and pass the final order on the basis of material available on record.

Perused the entire record of the case including the documents submitted by the complainant. On perusal of the record, it is observed that after receiving full consideration amount, the respondent is not inclined to redress the grievance of the complainant, which is regarding allocation of a proper parking space despite the agreement for sale and the sale deed executed between the respondent and the complainant, which specifically mentions the provision for the same. The Bench therefore observes that this matter has deliberately been kept pending, which should have been addressed by the respondent long back.

The Bench therefore directs the respondent promoter to delineate a proper parking space after due allocation of the same in favour of the complainant and get the same painted properly within a period of 60 days from today, failing which a penalty of Rs.5,000/- per day subject to a maximum of 5% of the cost of the project shall be imposed against the respondent u/s 61 and 63 of the Real Estate (Regulation and Development) Act, 2016.

So far as the grievance with regard to refund of the excess amount of Rs.8,55,750/- along with interest against less area being provided to the complainant by the respondent and accordingly, the demand of the complainant for adequate compensation along with interest is concerned, the complainant is at liberty to press the same before the A.O. (Adjudicating Officer) as per the provisions of the Real Estate (Regulation and Development) Act, 2016.

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

SD/-

(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar