REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Hon'ble Inquiry Commissioner, Mr. Sanjaya Kumar Singh, RERA, Bihar

RERA/CC/356/2025

Aarti Rai ……Complainant

Vs

M/s Ghar Lakshmi Buildcon Pvt. Ltd. …..Respondent

Project: Ghar Lakshmi Milestone, Block-B

Present: For Complainant: Mr. Punit Kumar, Advocate
For Respondent: None

09/09/2026 **O R D E R**

The matter was last heard on 05.08.2026 when Mr. Punit Kumar, 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 3-BHK flat bearing Flat No.206 on 2nd floor in Block-B having super built up area of 1300 sq.ft. with one covered car parking in the project 'Ghar Lakshmi Milestone' on 16.02.2018 for a total consideration amount of Rs.11.00 lakh. Out of the total consideration amount, a total amount of Rs.3.30 lakh had been paid to the respondent through cheques on different dates for which an agreement for sale had also been executed between the complainant and the respondent on 28.05.2018. Copies of the agreement for sale dated 28.05.2018 and the details of payment issued by the respondent has been annexed as Annexures 1 and 2 respectively to the petition. He also submitted that the flat was to be handed over to the complainant within forty-eight months from the date of the agreement but even after a lapse of eight years, the respondent has neither handed over the possession of the flat to the complainant nor has refunded the paid amount to her. Thereafter the complainant has sent a legal notice to the respondent on 05.10.2024 requesting them to handover the possession of the said flat or refund the amount but they have failed to respond to the said notice. The complainant has filed the present complaint petition for a direction to the respondent to refund the entire principal amount paid by the complainant along with interest @ 18% per annum and also compensation.

The complainant has filed a written notes of argument on 05.08.2026 reiterating the same fact as stated in the complaint petition.

On perusal of the record, it appears that the respondent has been absent on all the dates taken up for hearing by this court. The respondent has neither appeared nor has filed any reply in respect of the present complaint petition despite several notices being given to him vide order dated 22.01.2026, 06.03.2026, 14.05.2026, 11.06.2026 and 14.07.2026 in adherence to the principle of audi alteram partem. It also appears that the respondent is a habitual defaulter as there are a number of cases pending before this court pertaining to various complaint cases filed by different allottees. On 05.08.2026 the

respondent was given a final opportunity to file a written notes of argument but they have 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. The 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 the complainant had booked a flat bearing Flat No.206 on 2nd floor and had paid a total amount of Rs.3.30 lakh out of a total consideration amount of Rs.11.00 lakh. Nevertheless, it is clear that the respondent has enjoyed full economic benefit out of the amount paid by the complainant to the respondent company for the entire period from the date of payment till the present day. The respondent has neither taken any steps to handover the possession of the booked flat to the complainant nor has voluntarily refunded the paid amount to the complainant. The complainant therefore is entitled for refund of the entire amount along with due interest as per the provisions of law.

Thus, in light of the documents placed on record and submissions made therein and also considering the fact that the respondent has enjoyed full economic benefit of the amount paid by the complainant in lieu of booking of the alleged flat, the respondent company and its Directors are hereby directed to refund the entire principal amount of Rs.3.30 lakh to the complainant along with interest @ 2% above the Marginal Cost of fund-based Lending Rate (MCLR) of State Bank of India as applicable for three years from the date of booking till the date of refund within sixty days of the date of issue of this order.

So far as the claim for compensation 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 these directions and observations, the matter is disposed of.

SD/-

(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar