

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/CC/108/2024

Sheela Pratima Kujur

.....Complainant

Vs

M/s Pan Homes India Pvt. Ltd.

.....Respondent

Project: Pan Alpha City

Present: For Complainant: Mr. Pulkit Thakur, Advocate

For Respondent: None

10/10/2025

ORDER

The matter was last heard on 21.08.2025 when Mr. Pulkit Thakur, learned counsel for the complainant had appeared but none had appeared on behalf of the respondent.

The fact of this case is that the husband of the complainant had booked Flat No.05 in Block-B in the project 'Pan Alpha City' on 20.02.2021 for a total built up area of 1859.62 sq.ft. and total carpet area of 1456 sq.ft. for a consideration amount of Rs.70.00 lakh against which a total payment of Rs.4.00 lakh was made by the husband of the complainant as per the schedule of payment appended in the booking form. The learned counsel for the complainant stated that it was later learnt that the said project was not duly registered with RERA and as such, her husband requested for return of the money paid to the respondent company but no satisfactory response was received from the respondent. He further stated that due to sudden and unfortunate demise of her husband on 02.04.2023, the cheque could not be deposited in time. The aforesaid cheque bearing No.687829 dated 07.02.2023 had been issued to the husband of the complainant as a refund of the consideration amount received by the respondent against the booking of the said flat but the same could not be deposited in time due to sudden sad demise of her husband. Despite a request to the respondent made by the complainant, the respondent failed to issue the cheque which casts a doubt on the conduct of the respondent and shows that the respondent had earlier issued the cheque with absolute unwillingness and with a malafide intention of not getting the cheque cleared because he did not reissue a fresh cheque in favour of the complainant. It has also been stated that the complainant being cheated by the act of the respondent sent a legal notice on 13.09.2023 stating all the fact. She also requested him to return the total amount of Rs.4.00 lakh along with interest but the respondent did not take any effort to execute the said request of the complainant. Therefore, the complainant prays for a direction to the respondent to refund the entire amount of Rs.4.00 lakh along with interest and compensation.

‘ The complainant has placed on record a copy of the booking form, death certificate of her husband, money receipt and the legal notice dated 13.09.2023 sent by the complainant to the respondent.

Learned counsel for the complainant reiterated his submissions as made in the complaint petition and requested for a direction to the respondent for payment of the entire amount of Rs.4.00 lakh paid to him by the complainant along with the interest as per the provisions of law..

Perused the record. No reply has been filed on behalf of the respondent. On perusal of the record it is clear that an order has been passed by the Senior Legal Consultant during the conciliation proceeding on 30.07.2024 wherein he has recorded the submission made by the Director of the respondent company that due to paucity of fund, the principal amount could not be refunded to the complainant but till next date the principal amount or part thereof shall be refunded to the complainant. It is thus clear that the Director of the respondent company had committed before the learned Conciliation Bench during the conciliation proceeding that he was liable for refund of the entire money paid to him by the complainant.

Thus, in light of the documents placed on record and submissions made therein and also considering that the respondent has enjoyed the economic benefit of the amount paid by the complainant in lieu of booking of the alleged flat, this Bench hereby directs the respondent company and its Directors to refund the principal amount of Rs.4.00 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.

As regards 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