

**REAL ESTATE REGULATORY AUTHORITY, BIHAR  
IN THE COURT OF SPECIAL PRESIDING OFFICER, RERA, BIHAR  
RERA/CC/129/2022**

Maya Kumari-----Complainant

v.

M/s Maa Vindhyavasini Developers Pvt. Ltd. -----Respondent

**PROJECT : RAINBOW RESIDENCY**

**20/01/2026**

**ORDER**

Heard Shri Punit Kumar, learned counsel for the complainant and Shri Amit Singh, learned counsel for the Respondent.

2. The complainant has filed this case to check the irregularities in project completion and delay along with the quality of materials being used by RERA and penalty to the developer for handing over incomplete flat and non-addressing to issue of the land owner for financial loss.

3. The complainant's case in short is that M/s Maa Vidhyavasani Developers vide their RERA No. RERAP299201800936-1 and the complainant entered into a Registered Development Agreement dated 09.06.2016, in regard to survey plot no. 212(p) 299(P), Khata No. 65, Thana No. 40 Mauza Adampur, Vijay Singh Yadav Path, Saguna Danapur for development and construction over the said land, a residential cum commercial building owners within a period of 1 year and six months with a grace period of six months from the date, the plan is sanctioned by the DMC. The Firm Maa Vindhyavasani Developer got a plan passed from DMC on 31.05.2017 itself and by virtue of

the said sanctioned plan and by virtue of Development Agreement clauses, the developers had to handover the possession letter by November 2018. The Firm (Developer) got project start date 08.10.2018 and project completion date 31.12.2021, keeping in dark of about almost two years and four months. On 23.10.2020 the Developers has issued possession letter and handing over physical possession of shop no. G-1 and G-2 on Ground Floor in said Rainbow Residency incomplete. On 18.06.2021 the Developer has issued possession letter and handing over physical possession of flat 203 and 204 of 1077 sq.ft and 994 sqft. Respectively and 2<sup>nd</sup> floor in said Rainbow residency incomplete and pending works to be done. Unpaid electricity bill amounting to 1.6 lakh Rupees w.e.f. from 2018 leading to termination of flat electricity and Rs. 60000/- was paid by the complainant for reinstallation of connection. Ongoing through Development Agreement and RERA registration obtained by firm, it is contradictory, suffers from many lapses of dates and the respondent willfully kept the complainant in dark for almost four years. The Developer abandoned the project i.e. no works on 3<sup>rd</sup> Floor, subsequently no allotment/ possession letter issued to the complainant till date. The complainant herself finished the two flats with own cost which was delivered incomplete, together with basic amenities such as electricity supply which is still be provided and huge of dues left with Electricity Department. Up till now no two flats are ready by Developer nor have allotted the same to the complainant.

3. The respondent filed an informatory petition stating therein that the petitioner is Developer and of partner of M/s Maa Vindhyavasani Developers. In the year 2016 the said petitioner entered into Registered Development Agreement of land with

opposite parties along with other person which is situated at mauza Adampur, Vijay Singh Yadav Path, Saguna more, Thana No. 40, P.S. Danapur, District Patna. After accomplishment of work the said petitioner handed over the peaceful possession of the said land in question. The said petitioner in light of development agreement continued to finish further project but surprisingly the opposite party started to create hindrance. The said petitioner tried to resist the opposite parties then they not only give threaten of false case but also trying resist the construction work of petitioner physically with local goons. The petitioner was very much disturbed seeing such activities of opposite parties. Thereafter, the opposite party even now and often not only giving physical threat to the informant rather they were also giving threat to implicate the petitioner in a false, frivolous and concocted case. This informatory petition has been preferred by the petitioner before this Court without any mala fide intention or collusion against any one rather the same has been preferred with bona fide intention, so that the brightening life of the petitioner may not be disturbed by the opposite parties and his family members.

4. Another informatory petition on behalf of the respondent is also filed stating therein that vide order dated 23.06.2023 the complaint was disposed off with direction to be further listed under Full Bench. The aforesaid complainant then went in appeal before REAT vide Appeal No. 35/2023 and the respondent was directed to file an affidavit regarding completion within 8 months and the appeal was disposed off. The respondent declares and submits that the balance share of the complainant has been completed and is ready for handover. The complainant has been informed about the completion and has further been requested

to come to the office of the respondent and receive the Allotment Letter along with the physical possession at the site. Since the complaint of the complainant regarding her share has been resolved and fulfilled, hence no issue is pending regarding the complaint.

5. On the basis of Court's order, a technical Team was sent on the spot and the Technical Report is kept on record. As per Technical Report, the Team has observed that:-

- (a) Due to ongoing mistrust between the allottees and the promoter, the project progress has been stalled, resulting in financial losses to both parties.
- (b) To expedite project completion and protect stakeholder interests, the RERA inspection team has advised both parties to implement the directed measures promptly.
- (c) Effective coordination and adherence to the revised action plan will ensure that the remaining works are completed, enabling both the landowners and promoter to benefit from timely project delivery.
- (d) The technical team has also held some photograph in which a photocopy is showing that a necessary information was pasted as such:-

आवश्यक सूचना

इस अपार्टमेंट (रेनबो रेसीडेंसी) का फ्लैट नंबर 401,402,406, 602 एवं 606 विवादित है। अधिक जानकारी के लिए इस नंबर 7903926294 पर संपर्क करें।

Some photographs appear to show that some work is pending in the Apartment.

6. As per complainant, the Respondent has not completed the project as per agreement, whereas as per respondent only a little work is pending and that is also due to hindrance created by the complainant. Learned counsel for the respondent has also submitted in the notes of argument that the complainant herself is liable for non-completion of the apartment and the complainant has not only threatened to kill the respondent rather created atmosphere of violence. Whereas, as per complainant, learned lawyer argued how he would create violence atmosphere and make any disturbing atmosphere. Rather the respondent has taken this plea only to save his skin for not complying the terms of agreement. So far plea of FIR is concerned, it is an another issue, which cannot be considered in this case, rather than can be considered by the competent court where it is pending. In conclusion, it may be said that some work is left and as per inforamatory petition of the respondent, the Possession Letter has been issued to the complainant. Now, the complainant has come in knowledge at least before this Court that possession letter has been given and its copy is available on record. As per record, this case was filed in the year 2022 and on dated 03.01.2023, the RERA ordered to spot verification and in that report some defects have been pointed out by the Team which shows that the respondent has not completed the work as per agreement.

7. In such circumstances, the respondent is liable for penalty. Hence the respondent is directed to pay penalty of Rs. 3,00,000/- (Rupees Three lakh only) plus interest 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% per month.

8. Considering the aforesaid facts and circumstances, the respondent is also directed to handover the physical possession of the concerned remaining flats to the complainant within sixty days of this order, after removing all defects and remaining works.

Sd/-

**(Vinod Kumar Tiwari)**  
Special Presiding Officer  
RERA, Bihar