

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

RERA/CC/158/2025

Dipti Sinha

.....Complainant

Vs

Sunil Kumar Singh

.....Respondent

Project: Maurya Infratel Pvt. Ltd.

Present: For Complainant: Mr. Sanjeev Kumar Singh, Husband

For Respondent: None

12/05/2026

ORDER

The matter was last heard on 30.04.2026 when Mr. Sanjeev Kumar Singh, the husband of the complainant was present. None appeared on behalf of the respondent.

The husband of the complainant submitted that his wife (the complainant) booked a 3-BHK flat on 3rd floor having carpet area of 950 sq.ft. with one car parking space in the said project for which an agreement for sale was executed between the parties on 21.11.2015. She has made a total payment of Rs.12.50 lakh out of a total consideration amount of Rs.16.00 lakh in the year 2015 but the said project could not be constructed till date. He further submitted that a total amount of Rs.8.50 lakh has been refunded to her by the respondent. Again a total amount of Rs.25,000/- has been refunded to the complainant on the previous date of hearing and still a sum of Rs.3.75 lakh is remaining to be paid by the respondent. He has enclosed the copies of the agreement for same executed between the parties on 21.11.2015 and the statement of the account of the SBI Bank. He, therefore, requested for a direction to the respondent to refund the entire remaining amount of Rs.3.75 lakh along with interest on the entire amount from the date of payment till the date of refund.

On perusal of the record, it is found that despite issuance of notice to the respondent, he has neither appeared nor filed any written notes of argument. As per the direction of this Bench dated 30.04.2026 the complainant has filed a written notes of argument reiterating the facts as stated above.

This Bench observes that despite several opportunities given to the respondent, he has not only failed to appear before the Bench but has also failed to handover the possession of the said flat or refund the money paid to him by the complainant. This Bench, therefore, feels that the complainant cannot be made to suffer for an indefinite period and hence, in the interest of justice, order is being passed on the basis of documents 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 3-BHK flat in the said project and had paid the total amount of

Rs.12.50 lakh out of a total consideration amount of Rs.16.00 lakh in the year 2015 itself. It is also clear that the respondent had assured the complainant to handover the possession of the said flat but till date the respondent neither handed over the possession of the said flat nor voluntarily refunded the entire paid amount to the complainant. 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 and she is, therefore, liable to refund 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 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 remaining principal amount of Rs.3.75 lakh to the complainant along with interest on the entire amount of Rs.12.50 lakh @ 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 the claim for compensation, 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