

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mr.Ved Prakash,
Special Presiding Officer

RERA/CC/191/2025

Dr. Arjun Prasad

....Complainant(s)

Vs

M/s Saarthak Hi-tech Homes Developers Pvt.
Ltd.

....Respondent

PROJECT- Ram Lakhan Plaza

For the complainant:

Mr.RanjeetRanjan (Adv.)

For the respondent :

Mr.Sumit Kumar (Adv.)

14.08.2026

ORDER

Hearing is taken up. Learned counsels on behalf of both the parties are present.

2. Learned counsel for complainant submits that the complainant booked a Flat no. 303 for himself in the project, Ram Lakhan Plaza, located at Mauza – Kumhrar, Thana- Agamkuan, Thana no. 12, Khata no. 96, Plot No. 420, District – Patna for a consideration of Rs.41, 94,000/-, out of which the complainant paid a sum of Rs. 20,51,000/- to the respondent (payment receipts and bank statement annexed) and the respondent has issued allotment letter dated 14.11.2020 (Annexed as Allotment letter). Learned counsel for complainant further submits that the complainant has also sent a legal notice to the respondent on 18.03.2025, but the respondent has not paid any heed to it. Hence, the complainant feels that the respondent is neither ready to handover possession of the said flat nor is he ready to refund the money already paid to him. Learned counsel further submits that the respondents have violated the mandatory provisions of section 11, 13 and 18 of RERA Act. Under such circumstances, the respondent must be directed to either handover the possession of said Flat no. 303 in the said project or refund the total paid amount along with interest.

3. Learned counsel for respondent has filed maintainability petition dated 24.06.2026 and submits that the present complaint case is not maintainable either in facts or in law. He further submits that the

complainant case is not filed in prescribed format as provided under Rule 36 of Bihar RERA Rules 2017 and the complainant has also not served him the copy of documents relied upon and submitted before the Bench. Learned counsel further submits that the complainant has filed a Criminal case before the Civil Court, Patna, bearing no. 515/2025 and the respondent has already refunded a total sum of Rs. 15, 00, 000/- to the complainant during the course of proceedings of said complaint case. The learned counsel for the respondent further submits that the complainant has claimed refund of total amount of Rs. 20,51,000/- but he has provided money receipts of Rs. 15,51,000/- only, which creates doubt about the credibility of the statements made by the complainant. He further submits that complainant has concealed the pendency of criminal case .Hence he has not come with clean hands. He further submits that the complainant has filed two similar cases for same reliefs, one case under Section 138 N.I Act in Civil Court and other before Authority for refund of the principal amount, which has already been refunded by the respondent, as such the present case is not maintainable due to double Jeopardy.

4. On 10.07.2026, the complainant has filed reply to the petition filed by the respondent. The learned counsel for the complainant submits that the respondent has filed reply without affidavit or verification; Hence, the same has to be ignored. In his reply, he has mentioned various facts, including filing of criminal case before the Civil Court, Patna. Learned counsel for the complainant submits since the respondent is not in position to deliver possession of flat, hence he must refund the total principal amount Rs 20, 51,000/-. Learned counsel denies that the respondent has been subjected to double jeopardy and submits that since there was separate cause of action, hence criminal as well as civil cases was filed against the respondent.

5. As regards the payment of principal amount to the respondent, it has been submitted by learned counsel for the complainant that the complainant has paid the total amount of Rs. 20, 51,000/- in different installments through cheques, but fraudulently and with malafide intentions, the respondent did not issue the money receipt of the amount of Rs. 5, 00,000/- paid on 02.03.2022 through cheque no. 10021975 to him.

However, in this regard, the learned counsel for the complainant by filing photocopy of Bank statement of the Union Bank submits that the said amount of Rs. 5,00,000/- has been debited from complainant's account to be transferred to the respondent company, M/s Saarthak Hi-Tech Home Developers.

6. Heard and perused the record.

7. Considering the submissions of both parties as well as on going through the record, it appears that the dispute between the parties is with regard to amount of payment of principal amount. The respondent contends that the complainant has paid Rs. 15, 51,000/- only against the booking of said Flat out of total consideration Rs.41,94,000/-, which is denied by the complainant in his reply. The complainant submits that the respondent has issued money receipts of payment of Rs. 15, 51,000/- only and left out the payment of Rs. 5,00,000/- which was lastly paid by him on 02.03.2022 through cheque no. 10021975. The complainant has filed on record the money receipts of all payments that were made through cheques. The complainant has also filed copy of bank statement to show that the said amount of Rs. 5, 00,000/- was debited from his account to be transferred to the respondent promoter's company. However, the respondent, during the course of hearing, was ready to refund the amount of only Rs. 15, 51,000/- , but due to ambiguity of paid amount, the Director was not ready to refund Rs.20, 51,000/-.

8. The money receipts filed in support of payment of Rs. 15,51,000/- as well as bank statement showing payment of Rs. 5,00,000/- clinches the dispute with regard to payment of principal amount. The respondent promoter cannot backtrack from the settled position. The complainant has, by filing the money receipts as well as bank statement, removed the ambiguity regarding the payment of principal amount Rs.20, 51,000/-to the respondent. Hence, the instant complaint case can be disposed of with direction to the respondent to refund the total paid amount of Rs. 20, 51,000/- to the complainant with interest.

9. The Bench /Authority notes that on basis of separate cause of action, two cases one in Civil and other in Criminal may be filed , but on same

cause of action only one may be filed (Indian Oil Corporation Vs. NEPC India Ltd. (2006) 6 SCC 736). Hence in present case, the Bench holds that is not a case of double jeopardy.

10. Accordingly, the Bench/Authority hereby directs the respondent company through its Director, Shri Sunil Kumar to refund the total principal amount of Rs. 20, 51,000/- to the complainant along with interest @ 2% above the MCLR of State Bank of India, as applicable for three years, since the date of payment to the date of refund, within a period of 60 days from the date of issue of the order.

11. The complainant, if advised, may file separate case for other reliefs in form of compensation before the Adjudicating Officer ,RERA Bihar .

With these directions/observations, the instant complaint case is disposed of.

(Ved Prakash)
Special Presiding Officer