

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/CC/120/2025

Mahesh Kumar

.....Complainant

Vs

M/s Ghar Lakshmi Buildcon Pvt. Ltd.

.....Respondent

Project: Ghar Lakshmi Residency

**Present: For Complainant: Mr. Sharad Shekhar, Advocate
For Respondent: None**

20/08/2026

ORDER

The matter was last heard on 28.07.2026 when Mr. Sharad Shekhar, 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 has submitted that the complainant had booked a flat bearing Flat No.102 on 1st floor in Block-A having an area of 1360 sq.ft. in the project 'Ghar Lakshmi Residency' in the year 2014 for a total consideration amount of Rs.32.64 lakh. Out of total consideration amount, a total amount of Rs.12.01 lakh had been paid to the respondent, the details of which is reflected on the KYC form issued by the respondent and the back side of the said KYC form bears the details of payment in writing which itself proves that the total amount paid by the complainant to the respondent company is Rs.12.01 lakh. He further submitted that the said entry in the KYC details has been made by the official of the respondent company. He also submitted that a total amount of Rs.2.48 lakh has been refunded to the complainant on various dates starting from 14.12.2021 till 13.05.2024 and still a total amount of Rs.9.53 lakh is remaining to be paid by the respondent as principal amount. He further submitted that the refund amount has been listed in a separate paper typed by the company itself which further corroborates the points raised by the complainant regarding the amount paid which is Rs.12.01 lakh and the amount still pending for payment which is Rs.9.53 lakh. Therefore, the complainant has prayed for a direction to the respondent to refund the entire remaining principal amount paid by the complainant along with interest on the total amount accrued from the date of payment till the date of refund.

On perusal of the records it appears that the respondent has been absent on all the dates taken up for hearing before this court. The respondent neither appeared nor filed any reply in respect of the present complaint petition despite notice being given to him vide order dated 21.08.2025, 04.09.2025, 05.11.2025, 03.12.2025, 03.02.2026, 19.03.2026, 28.04.2026, 03.06.2026, 04.07.2026 and 28.07.2026 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 complaints filed by different allottees. On

28.07.2026 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.

Hence, this matter cannot be kept pending for an indefinite period. This 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 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.102 on 1st floor and had paid a total amount of Rs.12.01 lakh out of a total consideration amount of Rs.32.64 lakh. The respondent has refunded Rs.2.48 lakh to the complainant on various occasions and still an amount of Rs.9.53 lakh as principal amount is pending for payment at the end of the respondent. 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 he is, therefore, liable 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 the 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 remaining principal amount of Rs.9.53 lakh to the complainant along with interest accrued upon the entire principal amount of Rs.12.01 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 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