

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

RERA/CC/337/2024

Nitesh Dhull

....Complainant(s)

Vs

M/s Green valley Infra city Pvt. Ltd.

....Respondent

PROJECT- **Green Valley**

For the complainant:

Ms.Kriti Suman (Adv.)

For the respondent :

Mr. Tarun (Adv.)

03.06.2026

ORDER

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

2. Learned counsel appearing on behalf of complainant submits that in the light of offer given by the respondent, the complainant booked a plot no. 03, Sector 03 B in the project-Green Valley, Purnea, Bihar for a consideration of Rs. 22,28,705/-. Since 07.02.2012, as per schedule of payment, the complainant has made payment of 19, 75,000/- up-till-now. In spite of that, the respondent has failed to hand over the plot after receiving the remaining consideration . In the meanwhile, the respondent company increased the consideration amount from 22, 28,708/- to Rs. 25, 50,250/- Learned counsel for the complainant further submits that the complainant is ready to pay the remaining consideration. Hence, the complainant has made two fold prayers. He is seeking direction upon the respondent company to either hand over the plot within a month after receiving the balance amount of consideration or to refund the entire amount of Rs. 19, 75,000/- along with interest @ 18%. He has also prayed for keeping the plot reserved for complainant till the final decision of this case.

3. On the other hand, learned counsel for respondent company has filed reply on 12.05.2025. The learned counsel for respondent submits that the

complainant case is a false, misconceived and frivolous one and abuse of process of the statutory machinery, with mala fide intent to avoid contractual obligations and unjustly enrich himself at the cost of the respondent. Learned counsel for respondent submits that the Authority has no jurisdiction to entertain complaint case of the complainant. Learned counsel further submits that the alleged transaction regarding booking of plot and payment of principal amount took place in the year 2012, which gave a chance to the complainant to raise the cause of action but the said transaction occurred much prior to RERA Act 2016 coming into force on 01.05.2017. Hence, the provisions of RERA Act, 2016 cannot be invoked now.

4. Learned counsel further submits that the complainant being in admitted breach of the agreed payment obligations, has approached the Authority with unclean hand and is seeking to invoke the provisions of the Act in manner contrary to its object and scheme. It is settled position that the jurisdiction of the Authority cannot be invoked to grant relief to a defaulting allottee, nor can the statutory framework be misused to defeat contractual obligations. He further submits that complainant has himself admitted in the complaint petition that he has not made full payment as per agreed schedule. This admission is fatal and strikes at the root of the complaint case as the complainant is continuing breach of contractual obligations.

5. Learned counsel further submits that a party cannot take advantage of its own wrong. Further submits that under Section 19 of RERA Act 2016 allottee is required to make timely payment as per agreement and comply terms and conditions of allotment, but the complainant has failed to honor the payment obligations, hence he is not entitled to get possession. Hence the complainant is not entitled for refund or to any compensation or interest. He further submits that there is no delay in completion of project; hence complainant is not entitled for interest under Section 18 of the Act 2016 as RERA Act does not protect the defaulting allottee. Therefore the complaint petition may be dismissed with cost.

6. In the backdrop of the arguments/submissions advanced on behalf of the parties as well as on going through the record, the Bench/Authority

observes that the respondent has not filed Completion Certificate /Occupancy Certificate to prove that the project was completed prior to enforcement of RERA Act 2016 on 01.05.2017. In absence of Completion /Occupancy certificate in light of Section 3 (1) of RERA Act 2016 it will be presumed that the project was ongoing on 01.05.2017 and respondent has to get registration of the project within 3 months of the enforcement of RERA Act 2016 on 01.05.2017, but the respondent has failed to get registration of the project. Hence Bench /Authority observes that the project-Green Valley, at Purnia being registrable, the Authority has jurisdiction to entertain the complaint case of the complainant.

7. The Bench/Authority further notes that the complainant has paid principal amount Rs.19,75,000/- to the respondent in different installments, but the respondent has not controverted on quantum of the payment of said amount Rs.19, 75,000/- by the complainant in different installments to the respondent, out of total consideration Rs.22,28,708/-. It is alleged that the respondent has increased the consideration amount from 22, 28,708/- to 25, 50,250/-, but the respondent has not filed any demand letter issued to the complainant demanding remaining consideration/increased consideration from the complainant with respect to the allotted plot in the project. Hence it is established that the respondent has delayed the delivery of possession of plot to the complainant in spite of payment of maximum consideration and he was also ready to pay the remaining consideration to the respondent, which could not be possible due to delayed project and default on part of the respondent. Further since the respondent is not in position to deliver possession of plot of the project, hence the complainant is entitled for refund of principal Rs.19, 75, 000/- along with interest against the respondent.

8. In view of what has been discussed above, the respondent through its Director, Mr. Ajay Singh is directed to refund the principal amount Rs.19,75,000/- to the complainant along with the interest at the rate 2% above the MCLR of SBI applicable for 3 years or more within 60 days of this order. The interest shall be paid since due date till refund of the principal amount.

9. The complainant, if advised may file separate complaint case for compensation before the Adjudicating Officer RERA, Bihar.

With the above observations and directions the present complaint case is disposed of .

Sd/-
(Ved Prakash)
Special Presiding Officer
RERA ,Bihar
03.06.2026