



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

Exe. Case No- 493/2023
RERA/CC/150/2022

Amita Srivastava

...Executant/Complainant

Versus

M/s. Kanishka Buildcon Pvt. Ltd.

... Respondents

Project: Vidyanand Maheswari Complex

Present: For Complainant: Shri Punit Kumar, Advocate
For Respondent: Shri Sumit Kumar, Advocate

ORDER

15.09.2026

1. The matter was last taken up for hearing on 25.08.2026, when learned counsel for the complainant, Shri Punit Kumar, was present in person, Shri Sumit Kumar appeared on behalf of the respondent and the order was reserved and is being pronounced today.
2. The case of the complainant, in brief, is that the present Execution/Non-Compliance Proceeding has been instituted for enforcement and execution of the order dated 21.08.2023 passed by the Authority in Complaint Case No. 150 of 2022, titled *Amrita Srivastava v. M/s Kanishka Buildcon Pvt. Ltd.*
3. That vide the aforesaid order dated 21.08.2023, the Authority had issued specific directions to the Respondent-Company and its Director, Mr. Pravin Kumar, inter alia, to: (i) execute the Sale Deed in favour of the Complainant; (ii) refund the balance amount, along with interest, after deducting the registration fee

out of the sum of Rs. 7,85,000/- deposited by the Complainant before 20.06.2017 towards execution of the Absolute Sale Deed; and (iii) hand over the Completion Certificate to the Complainant within sixty days from the date of issuance of the said order. The Authority further directed that the interest payable on the balance amount to be refunded to the Complainant shall be at the rate of 2% above the prevalent Prime Lending Rate of the State Bank of India prevailing on the date on which the amount became due, i.e. 20.06.2017.

4. That the Complainant had already paid the entire consideration amount in respect of the subject flat. Despite the specific directions issued by the Authority and despite repeated opportunities, the Respondent failed to execute and register the Sale Deed in favour of the Complainant and also failed to comply with the other directions contained in the order dated 21.08.2023.
5. That despite repeated directions and opportunities granted by the Authority to the Respondent, it failed to furnish any satisfactory or reasonable explanation for its failure to execute and register the Sale Deed in respect of the subject flat and to otherwise comply with the directions contained in the aforesaid order.
6. That the Respondent has failed to comply with the order dated 21.08.2023 within the stipulated period of sixty days and has, therefore, continued to default in compliance of the binding directions issued by the Authority. Such continued non-compliance has caused substantial financial, physical and mental hardship to the Complainant.
7. That the Complainant has made several efforts to communicate the aforesaid order to the Respondent and called upon the Respondent to comply with the directions contained therein. But despite having knowledge of the said order, the Respondent failed

and neglected to take the required necessary steps for its compliance.

8. That the Complainant has, therefore, filed the present case solely on account of the continued and deliberate non-compliance of the order dated 21.08.2023 by the Respondent.
9. That in view of the continued non-compliance of the order dated 21.08.2023 by the Respondent, the Complainant has approached the Authority seeking execution and enforcement of the above said order and for appropriate directions against the Respondent in accordance with law.
10. That the Complainant claims to have incurred further litigation expenses, including an amount of Rs. 15,000/- towards the present proceedings, on account of the Respondent's failure to comply with the order passed by the Authority. The Complainant, therefore, seeks appropriate costs and such other reliefs as the Authority may deem fit and proper in the facts and circumstances of this case.
11. The respondent, in its counter affidavit (undated), has opposed the maintainability of the instant execution case on the following grounds. It has been stated that the original complaint case was filed under Rule 40 of the Bihar RERA Rules, 2017 for recovery of compensation and execution of the absolute sale deed of the flat in question, and that pursuant to the sale deed dated 01.06.2017, the complainant is already residing in Flat No. UG-4, Block-B, Vidyanand Maheshwari Complex. The respondent has placed on record the completion certificate of the project dated 17.04.2017, contending that the project stood completed on that date, with multiple sale deeds having been executed by the promoter and landowners prior to enforcement of the Real Estate (Regulation and Development) Act in Bihar, 2016 (hereinafter referred to as

the Act) on 01.05.2017, and that only interior work remained, to be finished by 30.06.2017. On this basis, it has been asserted that the project is neither registered nor registrable, and the Authority therefore lacks jurisdiction in the present matter.

12. On limitation, it has been contended that the complaint, filed under Section 31 in 2022, is barred under Section 14 of the Act, having been instituted more than five years after the completion of the project and after the agreement/sale deed dated 01.06.2017.
13. In support, reliance has been placed on *Newtech Promoters v. State of U.P.* (CA No. 6745/2021, paras 35, 54) and *Experion Developers v. Sushma Ashok* (CA No. 6044/2019, paras 34, 37), holding that the Authority's jurisdiction is confined to registered projects, as well as Bihar RERA orders in *Krishnamurti v. Homesaaz Infratech* (RERA/AO/324/2021), *Nurool Haque v. Arunendra Developer* (Exe. Case No. 452/2022, order dated 30.01.2026, annexed as Annexure-2), and RERA/AO/11/2023, dismissing similar cases as not maintainable.
14. The respondent has further offered to produce multiple pre-RERA sale deeds and has prayed for dismissal of the execution case as not maintainable and devoid of merit.
15. The complainant has submitted Notes of Arguments dated 13.07.2026, stating therein that the present execution proceeding has been filed for execution of the order dated 21.08.2023 passed in Complaint Case No. 150/2022. It has been submitted that due to non-compliance of the said order by the respondent, Authority, vide order dated 27.09.2024, directed the Executive Officer, Danapur Nagar Parishad, to issue a certificate for execution of unilateral sale deed in respect of Flat No. UG-4, Block-B, of the project "Vidyanand Maheshwari Complex" under Section 21 of

the Bihar Apartment Ownership Act, 2006, and further directed the Sub-Registrar, Danapur, to register the same.

16. Accordingly, the Executive Officer, Danapur Nagar Parishad, vide Letter No. 285 dated 23.02.2026, requested the Sub-Registrar for unilateral registration, pursuant to which the flat was registered in favour of the complainant vide Deed No. 4766, Serial No. 4838, Book No. 1, Volume No. 134, Pages 241–261, dated 15.04.2026, upon payment of Rs. 5,23,050/- towards stamp duty and registration fee.
17. The complainant has submitted that Rs. 7.85 lakh had already been paid to the respondent towards registration expenses, but the respondent failed to incur the registration cost, compelling the complainant to obtain unilateral registration and bear the expenses afresh. It has therefore been contended that the said amount lying with the respondent is liable to be recovered.
18. The complainant has relied upon the order dated 22.11.2024 directing issuance of recovery certificate under Section 40(1) of the Act read with Rule 25 of the Bihar RERA Rules, 2017. The subsequent order dated 10.12.2024 has also been referred to, whereby the earlier order was corrected to provide for recovery of the balance amount with interest after deduction of registration fee. The complainant contends that no deduction is now warranted as the registration expenses have not been by the respondent.
19. Accordingly, the complainant has prayed for recovery of the entire amount of Rs. 7.85 lakh along with interest from the respondent.
20. Having considered the pleadings, submissions of the parties and the material available on record, this Bench observes that the order dated 21.08.2023 passed in Complaint Case No. 150/2022 was binding upon the respondent and was required to be complied with within the stipulated period but the respondent has failed to

demonstrate satisfactory compliance with the said order within the prescribed time.

21. The respondent has relied upon a purported Completion Certificate dated 17.04.2017 to contend that the project stood completed prior to the applicability of the RERA Act. However, the said document, by itself, does not establish that the Completion Certificate was duly submitted to and received by the competent authority. Under the Bye-law 15(2) of the Bihar Building Bye-laws, 2014, submission of the Completion Certificate to the competent authority is mandatory. In the present case, the Completion Certificate produced by the respondent does not bear any acknowledgement, receiving, diary number or any other cogent proof evidencing its receipt by the competent authority. Thus, there is no material on record to establish that the purported Completion Certificate was duly received by the competent authority in accordance with the mandatory requirement of the Bye-law 15(2) of the Bihar Building Bye-laws, 2014.
22. In the absence of any proof of such submission and receipt, the contention of the respondent that the project stood duly completed on 17.04.2017 cannot, at this stage, be accepted merely on the basis of the document produced by it. Further, the respondent having failed to comply with the operative directions contained in the order dated 21.08.2023 cannot seek to reopen the merits of the original case in the present execution proceeding.
23. So far as the execution of the Sale Deed is concerned, the record shows that pursuant to the subsequent order dated 27.09.2024, the Executive Officer, Danapur Nagar Parishad, issued Letter No. 285 dated 23.02.2026, and the subject Flat No. UG-4, Block-B, Vidyanand Maheshwari Complex, was ultimately registered in

favour of the complainant vide Deed No. 4766 dated 15.04.2026. Accordingly, the direction relating to the execution/registration of the Sale Deed stands substantially complied with and requires no further direction in that regard.

24. However, the monetary direction contained in the order dated 21.08.2023, as clarified by the order dated 10.12.2024, remains to be complied with. In an execution proceeding, the Authority is required to enforce the order as it stands and cannot enlarge or modify the substantive relief granted therein.

25. However, since the order contained an explicit direction to the respondent to execute/register the sale deed in favour of the complainant and the same has not been complied with by the respondent. On the contrary, the entire registration cost has been borne by the complainant and thus the expenditure for registration on the part of the respondent is Nil or Zero Accordingly, the claim of the complainant for recovery of the entire amount of Rs. 7,85,000/- without deduction of the registration fee is fully justified in view of the fact that zero expenditure has been incurred by the respondent as registration cost of the present executed sale deed.

26. Consequently, the respondent is liable to refund the entire amount of Rs. 7,85,000/-, to the executant/complainant along with interest as directed in the order dated 21.08.2023, i.e. at the rate of 2% above the prevalent Prime Lending Rate of the State Bank of India applicable on 20.06.2017, from the date the amount became due until realization within 60 days from the date of this order.

27. The respondent shall also furnish/hand over the Completion Certificate to the complainant, if not already furnished, within 60 days from the date of this order.

28. In exercise of the powers under Section 40(1) of the Real Estate (Regulation and Development) Act, 2016, read with Rule 25 of the Bihar RERA Rules, 2017, the office is directed to calculate the amount payable in terms of the aforesaid directions and issue the requisite Recovery Certificate against the respondent for recovery of the above said amount of Rs.7.85 lakh along with due interest as arrears of land revenue through the competent authority/Collector, Patna, in accordance with law.

29. The execution proceeding is accordingly disposed of with a direction to the office to take necessary consequential steps for institution of a Public Demand Recovery Certificate case against the respondent and place the compliance report on record.

With the above directions, the present execution proceeding stands disposed of.

Sd/-

Sanjaya Kumar Singh
Inquiry Commissioner
RERA Bihar