

REAL ESTATE REGULATORY AUTHORITY, BIHAR,

Before the Bench of Mr. Ved Prakash,
Special Presiding Officer, RERA,

RERA/CC/253/2025

Ram Binod Roy Complainant

Vs.

M/s Ghar Lakshmi Buildcon Pvt. Ltd. Respondent

PROJECT: GHAR LAKSHMI MILESTONE

For the complainant: Mr. Punit Kumar, Advocate

For the Respondent: None

09.01.2026

ORDER

Learned counsel Mr. Punit Kumar on behalf of the complainant is present but the respondent is absent.

2. Learned counsel for the complainant submits that vide Agreement For Sale dated 18.01.2020 executed between the complainant and the respondent, the complainant booked Flat no.704 on 7th floor, in Block –D having built up area of 1092 sq.ft. and super built up area of 1316 sq. ft. along with covered car parking space on ground floor in the proposed project “Ghar Lakshmi Milestone” on consideration amount of Rs.11,00,000/-, out of which the complainant made payment of Rs.2,88,700/- to the respondent – promoter through cheques, against which the respondent issued payment receipt which is annexed as Annexure -2 to the complaint. He further submits that the respondent had assured to handover possession of flat by 09.01.2021 but till date possession of flat has not been handed over. He also submits that when the complainant visited the site of the project he did not find any progress in work of the project. So, the complainant sent a cancellation letter dated 28.03.2025 to the respondent with a request to cancel the booking and refund of his money but the respondent did not respond. Hence, the complainant has filed this complaint for a direction to the respondent to refund his money along with interest.

3. On perusal of the proceedings of this case it appears that the respondent – promoter never appeared in this case in spite of notices issued and opportunities provided to defend his position in this case.

4. Having heard learned counsel for the complainant and perused the record, the Bench observes that the complainant booked Flat no.704 on 7th floor, in Block –D having built up area of 1092 sq.ft. and super built up area of 1316 sq. ft. along with covered car parking space on ground floor in the proposed project “Ghar Lakshmi Milestone” on consideration amount of Rs.11,00,000/-, out of which the complainant made payment of Rs.2,88,700/- to the respondent – promoter through cheques, which is supported by the payment receipt kept on record as Annexure -2 issued by the respondent. The Bench also observes that the respondent has failed in honouring the commitment made to the complainant of completing the project and handing over deliver of possession of flat to the complainant within the specified time. The Bench also observes that the respondent – promoter does not want to say anything in this matter as in spite of opportunities provided to him neither he appeared nor filed any reply in this case. In such situation, the Bench is left with no option but to dispose of the case on the basis of material available on record as this case cannot be allowed to remain pending for an indefinite period of time.

5. In view of the aforesaid facts and the material available on record, the Authority directs the respondent - company and its Managing Director Mr. Rahul Kumar to refund the principal amount of Rs.2,88,700/- to the complainant along with interest at 2% above marginal cost of fund-based lending rate (MCLR) of the State Bank of India since the date on which the total amount was paid till the date of refund within sixty days of this order.

/3/

6. The complainant is at liberty to press other claims, if any, which are in the nature of compensation, before the Adjudicating Officer, RERA.

With the aforesaid observations and direction, this case is disposed of.

Sd/-

(Ved Prakash)

Special Presiding Officer, RERA, Bihar.