

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/CC/258/2024

Meena Shree

.....Complainant

Vs

M/s Padmashana Developers Pvt. Ltd.

.....Respondent

Project: Shiva Enclave

**Present: For Complainant: Mr. Brajesh Kumar Pandey, Advocate
For Respondent: Mr. Amrendra Kumar, Advocate**

17/06/2026

ORDER

Hearing taken up. Mr. Brajesh Kumar Pandey, learned counsel for the complainant is present. Mr. Shreekrishna, the husband of the complainant is also present. Mr. Amrendra Kumar, learned counsel for the respondent is also present.

Learned counsel for the respondent again reiterates that this project has been completed before enforcement of Real Estate (Regulation and Development) Act, 2016 and the complainant is also in knowledge of this fact as the complainant is residing in the said premises from the year 2002. The complainant's husband, who is present in person, confirms this fact that after completion of the flat though not fully complete when the flat was handed over to him, the complainant got the flat completed at her end by investing huge sum of money on the condition that the respondent had earlier committed to either complete the construction of the flat within 45 days or compensate adequately if the said flat is completed at the end of the complainant. After getting the flat complete at her own cost, the complainant went into the possession of the same from 2002 onwards but even after repeated request the respondent has not executed the sale deed in favour of the complainant and that is why this complaint.

Learned counsel for the respondent submits that since it is acknowledged and accepted fact that this flat has been completed much before enforcement of the Act and as such, it is prima facie out of purview of this Bench to hear the same. Still he submits that an amount of Rs.3.06 lakh as committed by the complainant which was claimed to have been paid on account of the amount received from the Housing loan has not been done and the complainant still owes a huge sum of money.

Learned counsel for the complainant denies the same and submits that since completion of the construction was done at the end of the complainant in which a huge sum of money was spent by the complainant and for this reason some money was left to be paid by compensating for extra expenses incurred by the complainant.

Learned counsel for the complainant also submits that he had gone into the Consumer Forum in this matter, wherein the Consumer Forum has already passed an order but the same has not been complied with by the respondent.

Learned counsel for the respondent submits that an appeal against the said order passed by the Consumer Forum has been filed before the competent authority in Appeal Case No. A181/2024 which is subjudice before the competent appellate authority.

After perusing the record and hearing the submissions of both the parties, it is clear that the present matter relates to a period which is much before enforcement of Real Estate (Regulation and Development) Act, 2016 and hence, this Bench finds it difficult to adjudicate this matter which is nearly 15 years prior to enforcement of the Act. However, this Bench observes that the main point of contention is non-execution of the sale deed of the flat in favour of the complainant by the respondent despite the fact that the complainant is residing in the said flat for more than 14 years. The reason for the same is non-payment of the remaining consideration amount by the complainant as claimed by the respondent and denied by the complainant.

In the present circumstances, when an appeal is pending for adjudication before the appellate authority, this Bench refrains from giving any direction except directing both the parties to sit together and mutually settle the issue once for all. This Bench also observes that both the parties should rely on adjudication pending before the appellate authority filed in Appeal Case No.A181/2024. This Bench, therefore, finding no further point to be adjudicated by this Bench closes this case accordingly.

This case is, accordingly, disposed of with the above direction.

Sd/-

(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar