

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/CC/350/2024

Ajeet Kumar

.....Complainant

Vs

M/s Ghar Lakshmi Buildcon Pvt. Ltd.

.....Respondent

Project: Income Tax Residency, Block-A

**Present: For Complainant: Mr. Sumit Kumar, Advocate
For Respondent: None**

26/09/2025

ORDER

Heard Mr. Sumit Kumar, learned counsel for the complainant. The respondent is absent.

The complainant has prayed for the following reliefs:

- (i) To direct the respondent/ promoter to provide physical possession along with registry of the booked flat bearing Flat No. 803, having a Carpet Area of 925 sq.ft. and super built up area of 1220 sq.ft. on 8th floor along with a car parking space at the ground floor of Block-A in the project 'Income Tax Residency' with demarcated boundary of the unit/ car parking space.
- (ii) To direct, order and decide the right, title and interest of the said flat in favour of the complainant against any third party/ person/ association.
- (iii) To direct the respondent concerned to apply for the extension of RERA registration in terms of Section 6 of the Act, 2016 read with Rule 6 of the Bihar RERA Rules, 2017 and if they failed to do so then the Authority (RERA) by invoking Section 8 of the RERA Act, 2016 direct for the formation of Association of Allottees for completing remaining construction work of the project.
- (iv) To direct the respondent/ promoter to provide litigation cost of Rs.1.00 lakh to the complainant.

- (v) The complainant may be given liberty to file complaint before the court of Hon'ble A.O. for compensation and interest.

The fact of this case as claimed by the complainant is that on the basis of Share Distribution Agreement dated 06.09.2018 the respondent/ promoter had allotted Flat No. 803 to the complainant and the complainant and the respondent had entered into a registered agreement for sale dated 08.01.2022 for the said flat along with a car parking space at ground floor of Block-A in the said project for a total consideration amount of Rs.35.00 lakh, out of which the complainant has paid a total amount of Rs.20.50 lakh. It has been stated that the registration of the project has expired on 18.12.2021 but as per the direction of the Authority, till the date of passing of the order by the Double Bench, the respondent/ promoter neither applied for re-approval of the project map nor transferred the said project to the Association of Allottees (AOA) for completing the remaining construction work by the AOA. It has further been stated that as per the agreement for sale, the possession of the flat in question was to be handed over to the complainant till 18.12.2021 but except the casting work up to 8th floor, the respondent/ promoter could not complete the remaining construction work. It has also been stated that the respondent had also raised demand letter to the Bank but the Bank refused to consider the demand because of unsatisfactory work by the respondent. Hence, this complaint.

The complainant has placed on record a copy of the registration certificate, copy of the share distribution agreement dated 06.09.2018, copy of the agreement for sale dated 08.01.2022, copy of the Bank account statements, copy of the letter dated 18.01.2022 issued by the Authority and a copy of the demand letters.

Perused the records. In spite of several notices issued to the respondent/ promoter, he has neither appeared nor filed any reply.

Learned counsel for the complainant has submitted that the complainant had booked a flat bearing Flat No. 803 on 8th floor in Block-A of the project 'Income Tax Residency' having carpet area of 925 sq.ft. along with a car parking space for a total consideration amount of Rs.35.00 lakh out of which he has already paid a total amount of Rs.20.50 lakh to the respondent and has always been willing to pay the remaining amount. An agreement for sale was also executed between the parties on 08.01.2022 but the respondent has not taken any effort to complete the project nor the possession has been handed over to him till date. He, by referring to the order dated 18.09.20024, passed by the Double Bench in Case No. RERA/CC/394/2022, has submitted that the matter

pertaining to the instant project has already been decided by the Double Bench. Hence, he has prayed for disposal of this case on the same terms as has been decided by the Double Bench in CC No.394/2022.

This case has already been covered in detail by a speaking order dated 18.09.2024 passed by the Double Bench of the Authority. Hence, this Court observes that since all the allottees, which are part of the Association of Allottees, are on a similar footing and are squarely covered by the above said order passed by the Double Bench, hence no fresh direction from this Bench is required to be given in this matter at this stage. The complainant as well as the respondent shall abide by the direction of the Authority given vide its order dated 18.09.2024 passed in CC No. 394/2022.

This Bench, however, observes that the complainant has given no information regarding the fact whether the respondent has created any third party interest in Flat No. 803 pertaining to the impugned project.

In case any 3rd party right has earlier been created by the respondent with respect to the impugned Flat No. 803, this Bench refrains from giving any direction with respect to the right of any other person created in the said Flat No. 803 with an observation that the complainant is at liberty to move the competent Authority for redressal of his grievances.

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.

This case is accordingly disposed of with the above observations and directions.

Sd/-

(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar