

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

Exe. Case No. 352/2024
RERA/CC/274/2023

Nawnath Mishra

....Executant

Vs

M/s Geetraj Construction Pvt. Ltd.

....Respondent

PROJECT- Sashwat Mansion, Block -G

For the complainant:

In Person

For the respondent :

Mr. Manoj Kumar Singh (Adv.)

01.06.2026

ORDER

The executant and Shri Manoj Kumar Singh, learned counsel on behalf of respondent are physically present.

2. The executant submits that he is an old man, aged about 73 years and Hon'ble Member, Smt. N. Banerjee on his complaint no. RERA/CC/274/2023 has directed on 02.07.2024 the respondent Director, Shri Birendra Singh to handover the possession of two Bed Room flat in Block -G-1, having area of 400 sq. ft with one covered car parking space on ground floor of the project, Sashwat Mansion along with amenities, within 60 days after receiving the remaining consideration and also to execute Absolute Sale Deed, but in spite of repeated requests, neither the respondent delivered the possession of flat no. G-1 nor was appearing punctually before the Bench/Authority, but he was causing harassment to the complainant physically, mentally and financially. He further submits that previously, he had engaged Shri Punit Kumar, the learned counsel, but due to harassment, he preferred to appear and represent himself before the Bench. He further submits that now he has come to learn from the Director of respondent company, Shri Birendra Singh that he, instead of making delivery of possession to him, has executed sale deed in favour of a prospective buyer, namely, Smt. Rekha Kumari, wife of Shri Vicky Anand Sharma, resident of Khandpar, P.O., P.S and District- Sheikhpura, Bihar, 811105 and now he has submitted that it is not possible for him to deliver possession of flat no.

G-1 to him (complainant). He further submits that previously, the respondent was prepared to refund the principal amount along with interest, but he did nothing towards refund. Hence, in such facts it will appear that the respondent, in spite of the order passed by Hon'ble Member of the Authority, is reluctant to comply the same and in disregard to the said order of the Hon'ble Member, he sold the said flat allotted to him to a stranger purchaser, namely, Smt. Rekha Kumari. Hence, the respondent may be directed to deliver the flat no. G-1 to him along with car parking space at the earliest and if he fails, a coercive step against the respondent promoter, including the imposing of penalty may be taken for non-compliance of the order passed by Hon'ble Member of the Authority.

3. Learned counsel on behalf of respondent submits that since the respondent has executed sale deed with respect to flat no. G-1 on the ground floor of the project, Sashwat Mansion, measuring an area of 400 sq. ft in favour of a stranger purchaser, namely, Smt. Rekha Kumari on 24.05.2025. Hence, it is not possible for the respondent to comply the above order passed by Hon'ble Member. However, if the executant/complainant is willing, the respondent, as previously assured before this Bench, will make refund of the total principal amount to the complainant/executant.

4. Heard and perused the record.

5. The record shows that the Hon'ble Member, Smt. N. Banerjee on 02.07.2024 has directed in RERA/CC/274/2023 to the respondent promoter, Shri Birendra Singh to handover the possession of flat G-1 of the project, Sashwat Mansion to the complainant in accordance with an agreement dated 04.03.2022/13.08.2022 along with a covered car parking space and execute the sale deed in his favour, on payment of remaining consideration, within 60 days of the issue of the order. The respondent promoter, instead of making compliance of the said order within the stipulated period, has chosen to sit tightly over the matter. Hence, the executant, being aggrieved, has filed the present execution case against the respondent, making request to direct the respondent promoter to comply the above order passed by Hon'ble Member of the Authority. On repeated notices and reminder notices, the Director of respondent company, Shri

Birendra Singh appeared before the Bench/Authority on 03.11.2025 in person and submitted that due to confusion created by the executant that he would not prefer to take delivery of possession of flat and he asked for refund of the principal amount. So, he accepted the request and refunded a part of principal amount of Rs. Six Lakhs, out of total consideration Rs. 18,00,000/- and he was still ready to refund the remaining principal amount to the executant. Further on the subsequent advice of executant that he would not take delivery of possession of flat, he executed sale deed in favour of other prospective buyer and as such, it was not possible for him to deliver possession of flat no G-1 to the executant. It further appears that on 25.11.2025, the learned counsel, Shri Manoj Kumar Singh appeared before the Bench on behalf of respondent and disclosed that the respondent Director, Shri Birendra Singh has executed sale deed in favour of prospective purchaser, Smt. Rekah Kumari in respect of flat no. G-1 on ground floor of the project, Sashwat Mansion. Hence, it is not possible for the respondent to comply the order passed by Hon'ble Member.

6. On request of executant, a RERA Team was directed to visit at the site of the project and submit its report about the status of flat no. G-1 of the project, Sashwat Mansion. In pursuance of the order of the Bench, the RERA Team visited on 01.11.2025 at the site of the project and has found that the said flat no. G-1 was still vacant and locked and at the same time, the land owner, Ms Sikha Singh appeared and submitted that she was ignorant about the dispute in regard to the said flat.

7. On the basis of above discussions and materials available on record, the Bench/authority observes that the respondent promoter, on one or the other ground, was never ready to comply the order dated 02.07.2024 passed by Hon'ble Member in RERA/CC/274/2023 and without formal cancellation of allotment of the complainant in utter violation of RERA Act, 2016 and also in total disregard of the order of the Hon'ble Member, the respondent promoter, Shri Birendra Singh executed a registered sale deed no. 12582 dated 24.07.2025 in favour of a stranger purchaser, Smt. Rekha Kumari, wife of Shri Vicky Anand Sharma, resident of Khandpar, P.O., P.S and District- Sheikhpura, Bihar, 811105 with respect to flat no. G-1 on ground

floor in Sashwat Mansion, measuring an area of 400 sq. ft situated at Mauza- Dhanaut, IAS Colony, P.S.-Danapur, Sub-registry office at Danapur, District Patna. The respondent promoter without any substantive evidence, has brought on record a theory that he has chosen to refund the principal amount of the complainant instead of delivery of possession and execution of sale deed with respect to flat no. G-1 of the project and in support of his version, he has submitted that he refunded Rs. Six Lakhs out of paid principal amount, but he could not produce any documentary evidence in support of his contention, including the choice of the complainant to take refund of the principal amount after the above order passed by Hon'ble Member. Hence, in the above facts and circumstances, the submission of the respondent promoter is not tenable in the eye of law and accordingly it is rejected.

8. The record further shows that the Director of respondent company, Shri Birendra Singh has executed an agreement for sale for sale of flat no. G-1 on consideration of Rs. 18,00,000/-, but the photo copy of the sale deed no. 12582 dated 24.07.2025 executed by Mr. Birendra Singh in favour of Smt. Rekha Kumari in respect of flat no. G-1 in the above project shows that he has sold the said flat only on consideration of Rs. 10, 13,000/- which also clarifies that the respondent was adamant to transfer the same to the stranger purchaser only with a view to harassing the complainant in total disregard of the order of the Authority and committed contravention of RERA Act, 2016 and other applicable laws. Hence, this Bench/Authority under the provisions of section 11 (5) of RERA Act, 2016 observes that the promoter, Shri Birendra Singh knowing well about the agreement for sale dated 04.03.2022/13.08.2022 as well as the above order dated 02.07.2024 passed by Hon'ble Member in RERA/CC/274/2023 has executed an absolute sale deed no. 12582 dated 24.07.2025 in favour of stranger purchaser, Smt. Rekha Kumari in respect of flat no. G-1 on ground floor in the project, Sashwat Mansion, measuring an area of 400 sq. ft going beyond the legal obligations and as such, the conduct of respondent promoter, Shri Birendra Singh is wholly illegal, unilateral, arbitrary, without showing sufficient cause and contrary to the obligation cast upon him in RERA Act, 2016.

9. The Bench /Authority further observes that subsequent sale deed executed by the respondent promoter in favour of stranger purchaser demonstrate that the respondent has committed a deliberate attempt to curtail the legitimate right of the executant that cannot be justified by any measuring rod. The said subsequent sale deed also goes against the terms and conditions set in the agreement for sale executed between the parties. Hence, the Bench/Authority is of considered opinion that the respondent promoter acted in clandestine manner and with mala fide intention to deprive the complainant of his rightful claim over the flat in question. Further, selling of the said flat no. G-1 to stranger purchaser is tantamount to an unfair trade practices and breach of contractual obligation and also violation of the principle of transparency, accountability and fairness envisaged under the RERA Act, 2016.

10. The respondent promoter cannot be permitted to benefit from his own wrongful act and the complainant/executant has suffered losses and prejudices solely due to conduct of the respondent promoter. The respondent has further disobeyed the above order passed by the Hon'ble Member. Hence, the penalty under section 63 of RERA Act, 2016 has to be imposed for non-compliance of the above order passed by the Hon'ble Member. Accordingly, a penalty of Rs. 2000/- per day is imposed under section 63 of RERA Act, 2016 against the respondent promoter, Mr. Birendra Singh recoverable till compliance of the order of the Hon'ble Member.

11. The office is directed to issue a recovery certificate u/s 40(1), read with Rule 25/26 of RERA Act and section 4/5 of Bihar & Orissa Public Demand Recovery Act, 1914 and send the same to the collector, Patna for recovery of penalty amount.

With the above observations/directions, the present execution case is disposed of.

Sd/-
(Ved Prakash)
Special Presiding Officer