

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

RERA/CC/289/2025

Suresh Kumar

.....Complainant

Vs

M/s Ghar Laxmi Buildcon Pvt. Ltd.

.....Respondent

Project: Income Tax Residency

Present: For Complainant: In person

For Respondent: None

24/07/2026

ORDER

The matter was last heard on 13.05.2026 when the complainant was present in person. None appeared on behalf of the respondent.

The complainant submitted that the complainant has booked a 3-BHK flat bearing Flat No.606 on 6th floor in Block-B along with one reserved covered car parking space in the proposed project 'Income Tax Residency' for a total consideration amount of Rs.29.00 lakh, out of which he had paid Rs.3.25 lakh till date which has been acknowledged by the respondent through his money receipt dated 17.01.2020. A copy of the said money receipt is annexed as Annexure 1 to his complaint petition. He further submitted that despite taking the booking amount and making regular assurances, the respondent never started the construction work of B-Block in question of the impugned project. After pressurisation by him, the respondent issued five cheques in his favour, four cheques for Rs.75,000/- and one cheque for Rs.50,000/-, totalling Rs.3.50 lakh as refund amount to him, which were deposited in the Bank but all the cheques pertaining to different Banks bounced as none of the account had sufficient balance so as to ensure payment to the complainant. He also submitted that despite repeated requests and legal notice, the respondent failed to refund the money of the complainant. Hence, the complainant has prayed for a direction to the respondent to refund the entire amount of Rs.3.25 lakh to the complainant along with interest as per the provisions of law.

On perusal of the record, it appears that on 09.04.2026 Mr. Sujit Chandra Kesari, who was duly authorised by the M.D. Mr. Rahul Kumar, by filing an authorisation letter submitted that the present project could not be taken up because of the dispute created by the landowner. He, however, submitted that in lieu of the said flat booked in Income Tax Residency project, the respondent is ready to accommodate the complainant in another project named Sarita Kunj, Phase-1, Bhogipur, Jaganpura Road, Bypass, Patna. On enquiry, whether the complainant is ready to accept the refund or an alternative flat as has been offered by the respondent, the complainant submitted that he wished to get the refund from the promoter because he has already suffered a lot by making payment to the respondent over which no action has been taken by the respondent till date.

This Bench observes that despite several opportunities given to the respondent, he has failed to handover the possession of the said flat or voluntarily refund the money paid to him by the complainant. This Bench, therefore, feels that the complainant cannot be made to suffer for an indefinite period and hence, in the interest of justice, order is being passed on the basis of documents available on record.

Perused the entire record of the case including the documents submitted by the complainant. On perusal of the record, it is observed that the complainant had booked a flat in the said project and had paid a total amount of Rs.3.25 lakh out of a total consideration amount of Rs.29.00 lakh in the year 2020 itself. The respondent had issued money receipts of the said amount. It is also clear that the booking was done way back in the year 2020 but even after a lapse of five years the respondent neither handed over the possession of the said flat nor voluntarily refunded the entire paid amount to the complainant. Nevertheless, it is clear that the respondent has enjoyed full economic benefit out of the amount paid by the complainant to the respondent company for the entire period from the date of payment till the present day and he is, therefore, entitled for getting refund of the entire amount along with due interest as per the provisions of law.

Thus, in light of the documents placed on record and submissions made therein and also considering the fact that the respondent has enjoyed full economic benefit of the amount paid by the complainant in lieu of the booking of the alleged flat, this Bench hereby directs the respondent company and its Directors to refund the total principal amount of Rs.3.25 lakh to the complainant along with interest @ 2% above the Marginal Cost of fund-based Lending Rate (MCLR) of State Bank of India as applicable for three years from the date of booking till the date of refund within sixty days of the date of issue of this order.

As regards the claim for compensation, 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.

With these directions and observations, the matter is disposed of.

Sd/-

(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar