

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

RERA/CC/303/2025

Rajnigandha Kumari

.....Complainant

Vs

M/s Medha Buildtech Pvt. Ltd.

.....Respondent

Project: Smriti Vihar

Present: For Complainant: Mr. Saurav Bishambhar, Advocate

For Respondent: None

12/05/2026

ORDER

The matter was last heard on 09.04.2026 when Mr. Saurav Bishambhar, learned counsel for the complainant was present. None appeared on behalf of the respondent.

Learned counsel for the complainant submitted that the complainant entered into an agreement for sale with the respondent on 19.11.2021 for purchase of two plots bearing Plot No.CR-94 and CR-95 measuring 1800 sq.ft. each, totalling 3600 sq.ft., in the said project 'Smriti Vihar' and had paid Rs.28,83,748/- out of a total consideration amount of Rs.32.40 lakh. He further submitted that the complainant requested several times to the respondent for registration of the said plots but even after a lapse of nearly five years, the respondent has not responded to the said request. In support of her case, she has enclosed the copies of the agreement for sale executed with the developer and the money receipts of the payment made. He further submitted that the complainant has been thoroughly deceived by the fraudulent practice adopted by the respondent wherein the respondent by displaying a false RERA registration number to his project has sold the plot in the impugned project. He also submitted that the respondent is still in the practice of illegally selling the plots without getting a valid RERA registration. He further submitted that the respondent has preferred to remain absent despite being given ample opportunity to appear before this court. Hence, the present complaint case has been filed by the complainant for refund of the entire amount along with interest as per the provisions of law along with compensation. She also requested for necessary legal action to be taken against the respondent concerned.

On perusal of the record, it is found that despite issuance of notice to the respondent, he has neither appeared nor filed any written notes of argument.

As per the direction of this Bench dated 09.04.2026, the Compliance Wing has submitted its report on 28.04.2026 stating that the project 'Smriti Vihar' of the respondent company has been registered with RERA vide RERA Registration No. BRERAP44637-2/75/R-1311/2022 dated 28.03.2022. A copy of the registration certificate of the project has also been enclosed with the report.

This Bench observes that despite several opportunities given to the respondent, he has not only failed to appear before the Bench but has also failed to obtain registration of the said plots or voluntarily refund the money paid to the respondent 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 two plots admeasuring 1800 sq.ft. each and had paid the total amount of Rs.28,83,748/- for which the respondent had granted money receipts. It is also clear that the respondent had assured the complainant to handover the possession of the said plots but till date the respondent has failed to handover the possession of the said plots to the complainant. On perusal of the record of the case it is also clear that an agreement for sale of the impugned plots was entered into between the complainant and the respondent on 19.11.2021 vide an unregistered document and the respondent in the name of M/s Medha Buildtech Pvt. Ltd. for its project named Smriti Vihar has issued several money receipts to the complainant on 27.12.2021 under the seal of the respondent company. The details of payment received by the respondent company under the seal of the respondent company also reveals that a total payment of Rs.10.00 lakh has been received by the company through RTGS, thus totalling the payment made by the complainant to be Rs.28,83,748/-.

This Bench also observes that the initial payment received by the respondent company against the booking of the impugned plot was 27.12.2021 and the agreement for sale was done on 19.11.2021 but the registration of the project was done on 28.03.2022 vide Registration No.BRERAP44637-2/75/R-1311/2022, thus proving the contention of the complainant that he was duped by the respondent by mentioning that the said project was registered with RERA. The respondent despite knowing very well that he did not receive any registration from RERA had intentionally entered into an agreement for sale of plots with the complainant without RERA registration, thus committing a blatant violation of the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016. The Compliance Wing is, therefore, directed to file a suo motu case against the respondent for violating the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016. The complainant is also at liberty to file a fraudulent case against the respondent in the competent court for the above reason. Meanwhile, it is also 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 she is, therefore, liable to refund 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 the full economic benefit of the amount paid by the complainant in lieu of booking of the alleged plots, this Bench hereby directs the respondent company and its Directors to refund the entire principal amount of Rs.28,83,748/- 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 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.

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

Sd/-
(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar