

REAL ESTATE REGULATORY AUTHORITY, BIHAR,

Before the Bench of Mr. Ved Prakash,

Special Presiding Officer, RERA,

RERA/CC/34 /2024

Ajit Kumar Rajak Complainant

Vs.

M/s Maa Tara Construction & Developers Pvt. Ltd.

....Respondent

PROJECT: MAA TARA CITY

For the Complainant: Mr.Punit Kumar , Advocate

For the Respondent- 1: Mr. Sumit Kumar , Advocate

Respondents -2 & 3: None

17.10.2025

ORDER

Learned counsel Mr.Punit Kumar on behalf of the complainant and learned counsel Mr. Sumit Kumar on behalf of the respondent no.1 are present but the respondent nos.2 & 3 , landowners, are absent.

2. The Bench notes that this case was filed for delivery of possession of Flat no.610 in Block – A of the project “Rainbow/Maa Tara City”, for which the complainant had paid Rs.12,25,000/- against consideration amount of Rs.32,39,000/- but during contesting this case the respondent no.3 Diraj Kumar showed his inability to handover the said flat and refunded Rs.7,00,000/- to the complainant out of his amount of Rs.12,25,000/-. Now, the respondent no.3 is to refund Rs.5,25,000/- to the complainant but he is avoiding to appear before the Bench and make payment of remaining amount. As a result thereof, vide proceeding dated 29.08.2025 the Bench stayed execution of any Sale Deed of the share of landowners, namely, Dhiraj Kumar and Shishupal Singh in the above project till redressal of grievance of the complainant.

3.Having heard learned counsels for the parties and gone through the record, the Bench observes that there is no

dispute regarding the amount of Rs.12,25,000/- paid by the complainant to the respondent against Flat no.610 in Block – A of the project “Rainbow/Maa Tara City”. The Bench also observes that there is not dispute with respect to refund of Rs.7,00,000/- to the complainant by the respondent on showing inability to provide the aforesaid flat. The Bench further observes that there is also no dispute that remaining principal amount of Rs.5,25,000/- is still to be refunded by the respondent – landowners to the complainant.

4. In view of the aforesaid facts and the observations made above, the Bench directs the respondent no. 2 & 3 Dhiraj Kumar & Shishupal Singh, landowners, to refund the remaining principal amount of Rs.5,25,000/- to the complainant along with interest at 2% above marginal cost of the lending rate (MCLR) of the State Bank of India on the principal amount since the date of its payment till the date of refund within sixty days of this order, failing which the Bench will consider to impose penalty upon the respondent - landowners as provided under Section 63 of the RERA Act, 2016.

6. The complainant is at liberty to press other claims, if any, which are in the nature of compensation, before the Adjudicating Officer, RERA.

With the aforesaid observations and directions, this case is disposed of.

Sd/-

(Ved Prakash)

Special Presiding Officer, RERA,