

REAL ESTATE REGULATORY AUTHORITY, BIHAR**Before the Bench of Hon'ble Inquiry Commissioner, Mr. Sanjaya Kumar Singh, RERA,
Bihar****RERA/CC/372/2025****Akash Raj****.....Complainant****Vs****M/s Green Homes Buildtech****.....Respondent****Project: Green Park****Present: For Complainant: Mr. Sumit Kumar, Advocate****For Respondent: None****12/05/2026****ORDER**

The matter was last heard on 15.04.2026 when Mr. Sumit Kumar, learned counsel for the complainant was present. None appeared on behalf of the respondent.

Learned counsel for the complainant submitted that the complainant had booked a plot bearing Plot No.RD-190, Registration No.163053 on 22.07.2023 admeasuring 600 sq.ft. in the said project for a total consideration amount of Rs.6.00 lakh. He had already paid the entire consideration amount of Rs.6.00 lakh to the respondent and the respondent after taking the entire consideration amount has executed unregistered agreement for allotment on 15.07.2024 of the booked plot. He further submitted that the respondent has promised to execute the sale deed of the said plot in favour of the complainant within three months of payment of the entire consideration amount. After lapse of the period specified for the sale deed, the complainant approached the respondent and requested for execution of the sale deed of the said plot but the respondent paid no heed to the request of the complainant. He also submitted that as per term-13 of the allotment, when the complainant visited the site, he found that the promoter has not even started the development of the project. Thereafter the complainant sent a cancellation letter of the booked plot to the respondent but the respondent even after accepting the cancellation letter has failed to refund the amount along with interest paid by the complainant in lieu of the booked plot. The complainant has placed on record the copies of the allotment letter and the money receipts of the payment made. He further submitted that plot no.190 lies in Mauza Murthan in Sonapur Anchal in Saran District which comes under the planning area and has been notified vide notification no.1100 dated 31.01.2023 issued by the Urban Development & Housing Department, Govt. of Bihar and the said Mauza is listed at serial no.32 of the said notification. He also submitted that respondent no.1 is a real estate agent named M/s Green Park Murthan bearing registration No.BRERAA82524/73/A-494/2022, who, in violation of the provisions of the Real Estate (Regulation and Development) Act, 2016, is indulged in developing the present project named Green Park and respondent no.2 is the promoter himself. Therefore, the complainant finding no other option has filed the present complaint case for a direction to the respondent

to refund the entire amount of Rs.6.00 lakh along with interest as per the provisions of law from the date of payment till the date of refund.

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

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 execute the sale deed of the said plot in favour of the complainant or 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 plot in the said project and had paid the total consideration amount of Rs.6.00 lakh in the year 2023 itself. It is also clear that the respondent had assured the complainant to execute the sale deed of the said plot in favour of the complainant within three months of the payment of entire consideration amount but till date the respondent neither executed the sale deed of the said plot 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, liable to refund the entire amount along with due interest as per the provisions of law.

This Bench also observes that as per the direction of this Bench dated 06.03.2026 the Compliance Wing has submitted its report on 10.04.2026 stating that Green Park is registered as an agent with RERA, Bihar vide Registration No. BRERAA82524/73/A-494/2022 and a file has been prepared and moved for issuance of a show cause notice to the agent for violation of the provisions of the RERA Act, 2016 but it is not clear what action has been taken in this regard. It is clear that the respondent being a real estate agent has illegally sold plots to various buyers by not only violating the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016 but has also committed forgery by playing fraud in the garb of RERA real estate agent registration certificate. He is, therefore, liable for penal action u/s 9(7) of the RERA Act, 2016. The Compliance Wing, therefore, is directed to inform the action taken for violation of the provisions of RERA Act, 2016.

Thus, in light of the documents placed on record and submissions made therein and also considering the fact that the respondent has enjoyed the economic benefit of the amount paid by the complainant in lieu of booking of the alleged plot, this Bench hereby directs the respondent company and its Directors to refund the entire principal amount of Rs.6.00 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