

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

RERA/CC/439/2024

Ruby Sinha

....Complainant(s)

Vs

M/s Sudha Engicon Pvt. Ltd.

....Respondent

PROJECT- Om Tower

For the complainant:

Mr. Navin Kumar Singh (Adv.)

For the respondent :

Absent

08.05.2026

18.05.2026

O R D E R

Hearing is taken up. Shri Navin Kumar Singh, learned counsel on behalf of complainant is present, but respondent promoter is absent.

2. Learned counsel for complainant submits that the complainant on 10.09.2019 booked two flats bearing no. 505 & 506 in Block -B of the project, Om Tower on 5th Floor admeasuring carpet are of 1200 sq. ft and super built up area of 1700 sq. ft along with one reserved car parking space in the basement on total consideration amount of Rs. 32, 30,000/-out of which he paid 29,37,000/-to the respondent (Rs. 3,23,000/- got mentioned in registered agreement for sale executed between the parties on 20.01.2020 and remaining amount Rs.26,14,000/-paid later on in different installments , receipts of which are placed on record as Annexures). Learned counsel further submits that complainant has also paid Rs.66, 000/-as registration fee and stamp. Learned counsel further submits that in such a way the complainant made payment of Rs. 29, 37,000/-plus Rs.66, 000/-total 30, 03,000/- for purchase of the two flats out of total consideration Rs. 32,30,000/-He further submits that despite delay in completion of the project, the respondent has issued a demand letters dated 18.06.2020,07.01.2021,06.04.2021,30.06.2021 asking the complainant to pay remaining amounts. He further submits that previously the complainant has sought relief to direct the respondent to handover

possession of flat no. 505 & 506 on fifth floor with covered parking space and also to hand over possession letter, completion and occupancy certificate and NOC to the complainant, but later by filing application 25.02.2026, she demanded refund of principal amount along with interest.

3. No written reply to the complaint case is filed on behalf of respondent promoter. However, the Director of respondent company had appeared before the Conciliation Forum on 30.12.2024 and stated that he was ready to resolve the dispute. Later on 24.12.2025 the Accounts Manager of the respondent along with authority letter of the respondent had appeared to defend the case of the respondent and he has admitted payment of principal amount Rs. 30, 03,000/-.

4, Taking into consideration the submissions made on behalf of the complainant as well as on going through the record, the Bench /Authority observes that the complainant has made the total payments Rs.30,03,000/- as per terms and condition of agreement of sale, which is not disputed by the respondent. The construction/completion of the project is delayed, hence delivery of the flats in such delay is reasonably not acceptable to the Complainant. In such view of the matter, the the Bench /Authority further observes that the complainant has rightly sought relief for refund of principal amount after cancellation of of allotment/agreement as the respondent has violated the terms and conditions of the agreement. Bench /Authority further observes that to keep the case pending any more for awaiting filing of counter reply on behalf of the respondent will naturally make further harassment to the complainant. Hence case is disposed of basis of material available on the record.

5. Bench /Authority observes that since the cancellation of allotment by the complainant is due to delay of completion of the project the complainant is entitled for interest on the total principal amount Rs.30,03,000/- paid by the complainant to the respondent.

6. Hence the Bench/Authority hereby directs the respondent company through its Director, Mr. Vipin Ranjan to refund the total principal amount Rs. 30, 03,000/- to the complainant along with interest @ 2% above the Marginal Cost of Lending Rate (MCLR) of SBI applicable for 3 years since

date of payment till refund of the principal amount. The respondent company is further directed to comply this order within a period of sixty days from the date of passing of the order.

With these observations and directions the present case is disposed of.

Sd/-

(Ved Prakash)

Special Presiding Officer