

REAL ESTATE REGULATORY AUTHORITY, BIHAR,

Before the Bench of Mr. Ved Prakash,

Special Presiding Officer

RERA/CC/ 472/2023

1. Balbir Kumar

2. Kumar Sunil Complainants

Vs.

M/s Tricolor Properties Pvt. Ltd. Respondent

PROJECT: PLOT

For the Complainants: Mr. Ishtiyaque Hussain, Advocate

For the Respondent: None

27.02.2026

ORDER

Learned counsel Mr. Ishtiyaque Hussain on behalf of the complainants is present but the respondent is absent.

2 (i). Learned counsel for the complainants submits that the complainants had purchased two Spring Field Plot nos.3300 & 3301, having an area of 4 Katha, under original Plot no.1128, Khata no.162, situated at Mauza – Anandpur, Pargana – Maner, P.S. Bihta, District – Patna, vide Deed Of Absolute Sale no.4380 dated 21.04.2017 executed by the Director of the project Sri Ritesh Kumar on total consideration amount of Rs.27,44,000/-, which was paid by the complainants, details of which are incorporated in the petition of the complainants filed on 28.11.2025 and in support of the same payment receipts have also been annexed with the said petition. He further submits that when the complainants applied for mutation of their name in the concerned Block office, they came to know that Plot no.1128 under Khata no.162, as mentioned in the sale deed, does not exist. They approached the respondent and the respondent assured to provide alternative plots of equal area at some other place and the complainants were also assured for execution of a fresh sale deed with correct khata number and the cost accrued thereon shall be borne by the respondent, but after passing of almost seven years the respondent did not provide other alternative plots of equivalent area and the complainants, being fed up with the behavior of the respondent, sent legal notice dated 15.04.2023 to make available other alternative plots of equivalent area immediately, which was not replied by the respondent. Hence, the complainants have filed this

complaint for a direction to the respondent to allot other alternative plots of the equivalent area and execute fresh sale deed in favour of the complainants.

(ii) He further submits that vide proceeding dated 11.07.2024, the Authority directed the respondent to allot alternative plots of the same dimension to the complainants and execute sale deed but the said direction was not complied and in the proceeding dated 20.08.2024 learned counsel for the respondent submitted that though the respondent is willing to allot alternative plots but he could not identify the same so far and assured to provide alternative plots within three weeks, but on the next date of hearing the respondent remained absent. Consequently, by filing a petition dated 12.09.2024 in the proceeding dated 14.10.2024 the complainants requested for refund of money instead of delivery of possession of land and a copy of the said petition was directed to send the respondent for filing his reply. The respondent in spite of several opportunities provided did not file reply and, lastly, in the proceeding dated 31.12.2025 the respondent was further directed to file reply by 27.02.2026, but on 27.02.2026 neither the respondent appeared nor filed any reply, nor filed any time petition.

3. Having heard learned counsel for the complainants and perused the record, the Bench observes that beyond doubt the complainants purchased two Spring Field Plot nos.3300 & 3301, having an area of 4 Katha, under original Plot no.1128, Khata no.162, situated at Mauza – Anandpur, Pargana – Maner, P.S. Bihta, District – Patna, vide Deed Of Absolute Sale no.4380 dated 21.04.2017 executed by the Director of the project Sri Ritesh Kumar on total consideration amount of Rs.27,44,000/- and the said amount was paid by the complainants, which is supported by the payment receipts issued by the respondent and the same are kept on record. The Bench further observes that in spite of several opportunities provided, the respondent failed in providing alternative plots, which resulted in filing of a petition by the complainants for refund of money and on the said refund issue in spite of several opportunities provided and, lastly, on 31.12.2025 the respondent neither filed any reply nor appeared on 27.02.2026, nor sent any time

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petition. Hence, the Bench is left with no option but to pass an order on the basis of material on the record including the petition dated 12.09.2024 for refund of money. The Bench also observes that it would not be advisable to keep this case pending for an indefinite period because of the fact that the respondent is taking this matter very casually.

4. Taking into consideration the facts and circumstances of the case and the observations made above, the Bench directs the respondent – company and its Managing Director Mr. Ritesh Kumar to make payment of the principal amount of Rs.27,44,000/- along with interest at 2% above marginal cost of the lending rate (MCLR) of the State Bank of India to the complainants from the date of its payment till the date of refund within two months of this order as provided under the provisions of Rules 17 of Bihar Real Estate (Regulation & Development) Rules, 2017.

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

Sd/-

(Ved Prakash)

Special Presiding Officer, RERA, Bihar