

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Bench of Hon'ble Inquiry Commissioner, Mr. Sanjaya Kumar Singh, RERA,
Bihar**

RERA/CC/494/2024

Jainendra Kumar Singh

.....Complainant

Vs

M/s Ashirwad Engicon Pvt. Ltd.

.....Respondent

Project: Ashirwad PNB Diamond City

Present: For Complainant: Mr. Shashank Shekhar, Advocate

For Respondent: Mr. Ishtiyaque Hussain, Advocate

09/04/2026

ORDER

Hearing taken up. Mr. Shashank Shekhar, learned counsel appears on behalf of the complainant. Mr. Ishtiyaque Hussain, learned counsel appears on behalf of the respondent.

Learned counsel for the complainant submits that as per the registered agreement for sale executed between the complainant and the respondent, the complainant had committed to offer a flat in IOB Galaxy, Model Township, Bela on Danapur- Bihta Highway, if the construction of Ashirwad PNB Diamond City could not be completed. He submits that the complainant has already deposited the entire consideration money of Rs.6.51 lakh and hence, the respondent was liable to handover the booked flat to him. Since the impugned project Ashirwad PNB Diamond City could not be completed, hence as per the agreement for sale, the possession of the flat in IOB Galaxy should have been handed over to him which was not done by the respondent. He further submits that as per his information IOB Galaxy has also not been constructed and in such case he demands that as per the agreement for sale executed between him and the builder, the rate of interest, in case the builder for the fault of his own is unable to handover the possession of the said project, shall be liable for payment of interest @ 12.50% per annum. He, therefore, requests for a direction to the respondent to refund the entire amount along with the above said rate of interest equivalent to 12.50% per annum as has been laid in the agreement for sale.

Learned counsel for the complainant has also annexed a copy of the agreement for sale dated 05.09.2015 and the money receipts issued by the respondent.

Learned counsel for the respondent by filing a petition on behalf of the respondent submits that since the construction of IOB Galaxy of second phase could not be initiated due to some litigation with the landowner, the respondent is ready to refund the principal amount to the complainant.

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 3-BHK flat with a car parking space in the said project Ashirwad PNB Diamond City and had paid entire consideration amount of Rs.6.51 lakh.

It is also clear that as per the agreement for sale executed between the complainant and the respondent, the complainant had committed to offer a flat in IOB Galaxy, Model Township, Bela on Danapur- Bihta Highway, if the construction of Ashirwad PNB Diamond City could not be completed. It is also clear that since the construction of IOB Galaxy of second phase also could not be initiated due to some litigation with the landowner, the respondent is ready to refund the principal 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.

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 flat, this Bench hereby directs the respondent company and its Directors to refund the entire principal amount of Rs.6.51 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 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