

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Hon'ble Inquiry Commissioner, Mr. Sanjaya Kumar Singh, RERA,
Bihar

RERA/CC/512/2025

Suresh Prasad

.....Complainant

Vs

M/s Ghar Lakshmi Buildcon Pvt. Ltd.

.....Respondent

Project: Sarita Kunj Smart City

Present: For Complainant: Mr. Abhinay Priyadarshi, Advocate
For Respondent: None

01/07/2026

ORDER

Hearing taken up. Mr. Abhinay Priyadarshi, learned counsel for the complainant is present. The respondent is absent.

Learned counsel for the complainant submits that in compliance of the direction given by this Bench on the previous date of hearing held on 03.06.2026 he is hereby submitting his written notes of argument, wherein it has been explicitly mentioned that the complainant now wishes to get refund of the entire paid amount of Rs.9.00 lakh. He further submits that the said payment of Rs.9.00 lakh has already been acknowledged in the registered agreement for sale pertaining to the flat concerned which was executed in favour of the complainant by the respondent.

Perused the record of the case. It is clear that a registered deed pertaining to the agreement for sale had been executed on 24.08.2018 in favour of the complainant by the respondent with regard to flat no.203 in the impugned project Sarita Kunj Smart City wherein it has been explicitly mentioned that a total amount of Rs.9.00 lakh has been paid by the complainant in favour of the respondent. Learned counsel for the complainant further submits that the construction of the impugned project has not been completed as yet and hence, the complainant has no option but to demand for a refund of the entire amount. He, therefore, requests for taking strict penal action against the respondent so as to ensure refund of the entire amount paid by the complainant along with interest as per the provisions of law.

The respondent is absent as usual. This is the 5th consecutive date of hearing and in none of the dates the respondent has been present. Hence, this Bench takes serious view of the matter and considers the attitude of the respondent to be highly non-cooperative and recalcitrant. This Bench also observes that despite receiving an amount of Rs.9.00 lakh and entering into a registered sale deed with the complainant, the respondent has neither handed over the possession of the said flat to the complainant nor made any demand in writing to the complainant to pay the remaining amount. It is, therefore, clear that the respondent by keeping the money with him has failed to honour the terms and conditions outlined in the registered agreement for sale. This Bench, therefore, cannot keep the complainant to suffer for everlasting period and

hence, it deems appropriate that a final decision be taken in this matter as the respondent has neither handed over the possession of the said flat nor voluntarily refunded the received amount.

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 for getting refund of 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 full economic benefit of the amount paid by the complainant in lieu of the booking of the alleged flat, this Bench hereby directs the respondent company and its Directors to refund the total principal amount of Rs.9.00 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