

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

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

**RERA/CC/524/2025**

**Pradeep Kumar Sah** .....Complainant

**Vs**

**M/s Shree Lok Nath Baba Homes Pvt. Ltd.** .....Respondent

**Project: Sarvayoni City**

**Present: For Complainant: Mr. Vivek Kumar, Advocate  
For Respondent: Mr. Sumit Kumar, Director**

**13/02/2026**

**ORDER**

The matter was last heard on 10.02.2026 when Mr. Vivek Kumar, learned counsel for the complainant was present. Mr. Sumit Kumar, learned counsel for the respondent was also present.

The complainant had booked Flat No. 407 on 4<sup>th</sup> floor, Block-E admeasuring 1290 sq.ft. with one reserved car parking space in the impugned project Sarvayoni City at Mauza Sarari, P.S. Danapur, District Patna. The complainant submits that he had executed an agreement for sale to purchase the schedule property through a registered agreement for sale for a total consideration amount of Rs.15.00 lakh and had paid a total amount of Rs.12.00 lakh including taxes of Rs.25,837/-. He further submits that the respondent has neither constructed the impugned Block-E of the project in question nor has refunded the amount paid to the complainant. He, therefore, prays for a direction to the respondent for refund of the entire amount of Rs.12.00 lakh paid by the complainant along with interest as per the provisions of law.

Learned counsel for the respondent has furnished a written notes of argument mentioning therein that Block-E of the said project, namely, Sarvayoni City never came up. He has stated in his notes of argument that the respondent had been penalised for booking of the said Block-E without a valid sanctioned map and the penalty imposed against the respondent was to the tune of Rs. 29.00 lakh. In his written notes of argument learned counsel for the respondent has submitted that he is ready to refund the paid amount of Rs.12.00 lakh to the complainant and has requested to impose an interest @ 8% per annum and not at the rate as provided in Rule 17 of the Bihar Real Estate (Regulation and Development) Rules, 2017.

Perused the record of the case and took note of the submissions made by both the complainant as well as the respondent by way of verbal hearing and the written notes of argument.

It is clear that the respondent despite having knowledge of the fact that the land for development of the impugned Block-E of the project in question Sarvayoni City was not available, entered into a Memorandum of Understanding with the complainant and received a total amount of Rs.12.00

lakh against the booking of the said flat in the said project. Learned counsel for the respondent has admitted this fact that for violation of taking bookings of flats in the project without having a sanctioned map, the respondent has been penalised by the Authority and penal amount as imposed against the respondent was Rs.29.00 lakh but the respondent has not disclosed whether the said penal amount was paid by the respondent or not.

The Compliance Wing of the Authority is directed to verify whether the penalty imposed against the respondent in RERA/NC/177/2018 has been paid by the respondent or not. In case it has not been paid as yet, the Compliance Wing is directed to take necessary action for realisation of the same.

Learned counsel for the respondent in his written notes of argument has requested for imposing an interest @ 8% per annum as has been imposed by this Bench in a similar situated case No.345/2024 vide its order dated 08.05.2025.

Having considered the entire details given hereinabove, this Bench is of the view that the respondent ought to have returned the amount received by him to the complainant immediately after imposition of penalty against the respondent by the Authority but the respondent refrained from doing so for his own vested interest. In such a case, this Bench finds it difficult to provide any relief to the respondent in this respect, especially taking into account the fact that the respondent has enjoyed the economic benefit over the entire amount paid to him by the complainant.

This court is also of the view that had this complaint case not been instituted against him in this Authority, the respondent would never have come forward for refunding the paid amount to the complainant.

Hence, this court directs the respondent to refund the entire amount of Rs.12.00 lakh 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 a period of sixty days from the date of issue of this order as per the provisions laid in Rules 17 and 18 of the RERA Rules, 2017.

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 the above directions, this case is disposed of.

Sd/-  
(Sanjaya Kumar Singh)  
Inquiry Commissioner,  
RERA, Bihar