REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/CC/542/2024

Pallavi ……Complainant

Vs

M/s Abhi Homes Pvt. Ltd. …..Respondent

Project: Abhi Homes Amba Tower

Present: For Complainant: Mr. Abhay Kumar Sinha, Father
For Respondent: None

27/04/2026 **O R D E R**

The matter was last heard on 28.01.2026 when Mr. Abhay Kumar Sinha, the father of the complainant was present in person. None appeared on behalf of the respondent.

The father of the complainant submitted that in the year 2017 his daughter booked a 3-BHK flat bearing Flat No.404 on 4th floor in Block-A having an area of 1460 sq.ft. in the proposed project 'Amba Tower' vide booking form, which is kept on record, on a consideration amount of Rs.13.00 lakh out of which she paid the total amount of Rs.12.86 lakh through cheques and in support of the same, he has filed the money receipts dated 04.03.2017, 21.03.2017, 28.08.2018, 23.08.2018 and 21.03.2017 respectively. He further submitted that the respondent had assured the complainant to handover the possession of the flat by December, 2022 but till date the respondent has failed in honouring his commitment of handing over the possession of the flat. He also submitted that the case related to his wife Smt. Nutan Sinha bearing RERA/313/2024 has already been heard and decided by the learned court of Special Presiding Officer on 13.08.2025 in which the learned court has been pleased to pass a detailed speaking order. He further submitted that the construction of the impugned project has not been initiated and the respondent has preferred to remain absent despite being given ample opportunity before this court. Hence, he requested for an order to be passed on similar line as has been done in the said case.

The present complaint case has been filed by the complainant either to handover the possession of the flat or refund the money along with interest as per the provisions of law.

On perusal of the record, it is found that despite issuance of notice to the respondent, he has neither appeared nor filed any written notes of argument. As per the direction of this Bench dated 28.01.2026, the complainant has filed a written notes of argument reiterating the submissions as stated above.

This Bench observes that despite several opportunities given to the respondent, he has not only failed to appear before the Bench but has also failed to deliver the possession of the impugned flat or refund the money paid to him

by the complainant. This Bench, therefore, feels that the complainant cannot be made to suffer for an indefinite period and hence, in the interest of justice, order is being passed on the basis of documents available on record.

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 flat and had paid the total amount of Rs.12.86 lakh for which the respondent has granted money receipts. It is also clear that the respondent had assured the complainant to handover the possession of the flat by December, 2022 but till date the respondent has failed to handover the possession of the flat. 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 she 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.12.86 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.

In case of any other 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