

REAL ESTATE REGULATORY AUTHORITY, BIHAR
IN THE COURT OF ADJUDICATING OFFICER, RERA, BIHAR
RERA/CC/1022/2021

Rajeev Kumar & Ors. Complainants

Vs

M/s Grih Vatika Homes Pvt. Ltd. & Ors. Respondents

Project: VIP RESIDENCY

Appearance:

**For the Complainants: Mr. Bishwash Vijeta, Advocate
with**

Mr. Rajeev Kumar, complainant in person

For the Respondent: None

27.05.2026

ORDER

Heard Mr. Bishwash Vijeta, learned counsel appearing on behalf of the complainants. Respondent is absent.

2. Learned counsel for the complainants stated that the case is to be decided on the basis of material available on record as neither the respondent has appeared nor has he shown any interest in disposing of the case.

3. The complainants have filed this complaint petition in Form-N which relates to the compensation and it should be decided by the Adjudicating Officer under Rule 37(1) of the RERA Rules and under Section 31 read with Section 71 of the RERA Act.

4. Now, this case has come from the Authority to the Adjudicating Officer for adjudication of the reliefs mentioned in the complainant petition. So, this case is being disposed of by this court i.e., Adjudicating Officer.

5. The complainants have sought reliefs to direct the respondents (i) to adhere to the terms and conditions of the Agreement dated 15.10.2014 and

hand over the possession of the flat in question along with its registration in their favour along with the compensation with interest for the wrongful loss to them, (ii) to direct the respondents to pay litigation cost to the tune of Rs.30,000/-, (iii) to direct the respondents to provide interest for the delay in handing over the possession and also (iv) to pay compensation of Rs.6,00,000/- for the mental agony and harassment suffered by them.

6. The case of the complainants, in brief, is that the complainants entered into an agreement with the respondents on 15.10.2014 for flat mentioned in agreement paper, for a consideration amount of Rs.20,62,800/- inclusive of service tax. The complainants have deposited an advance amount of Rs.51,000/- in cash on 18.08.2014, Rs.2,00,000/- on 01.09.2014, Rs.6,50,000/- on 26.08.2014, Rs.4,00,000/- on 12.09.2014 and Rs.61,800/- on the same day, through cash, cheque and money transfer. Again on 08.09.2014, Rs.7,00,000/- was also paid and as such, they had paid a total consideration amount of Rs.20,62,800/- inclusive of service tax. As such, the entire contractual obligations have been discharged by the complainants. As per the complainants, the respondents were liable to hand over the concerned flat by December, 2016, but till date it has not been done by the respondent.

7. The respondents have filed a reply stating therein that the complainants have paid only Rs.20,00,000/- for only one flat till date.

8. The learned counsel for the complainants has brought the attention to the order dated 11th January, 2023 of the Appellate Tribunal in REAT Appeal No.74 of 2022, which is *inter se parte* and in that appeal, the Appellate Tribunal has held that the appellants are at liberty to approach the Adjudicating Officer seeking suitable compensation as well as interest for delay in handing over the possession of the apartment. Further, the Appellate Authority has directed the respondent to hand over possession of Apartment No.306. Direction has also been made to the Authority to ensure that all these obligations are discharged by the promoter and ensure that completion and occupancy certificate are issued by the

competent authority in accordance with law. The Authority has also been directed to monitor the project and to get it completed at the earliest and to penalize suitably for doing delay in completion of the project; otherwise the objects of the Act could be defeated.

9. After hearing the learned counsel for the complainants and on perusal of the records, it appears that the complainants have filed this case for compensation in Form 'N', as per liberty given by the Appellate Tribunal. So, at this stage in this case only compensation for the act so done by the respondents may be given.

10. So far direction to the Authority is concerned, that may be demanded either in Form-'M' or by way of execution of the order of the Appellate Authority.

11. It is admitted fact that till date, no possession has been delivered to the complainants by the respondents as is also evident from the reply of the respondent itself.

12. After perusal of the agreement, it appears that the concerned flat was to be given before December, 2016, but it has not been done. So, the complainants are entitled to get interest from January, 2017 till date of actual possession given by the respondents.

13. The respondents are thus directed to pay interest over the paid amount calculated at the rate of marginal cost of fund-based lending rates (MCLR) of the State Bank of India as applicable for three years plus 2% from the date of booking till the date of handing over possession. The complainants are also entitled for compensation for mental agony and harassment caused to them for which Rs.2,00,000/- (Two Lakh only) is awarded and they are also entitled for litigation expenses of Rs.30,000/- (Thirty thousand only), which is also awarded. The respondents are directed to pay the aforesaid amounts to the complainants within 60 (sixty) days from the date of issue of this order.

14. With the aforesaid observations and directions, the case stands disposed of.

Sd/-

(Vinod Kumar Tiwari)
Adjudicating Officer
RERA, Bihar