

REAL ESTATE REGULATORY AUTHORITY, BIHAR
IN THE COURT OF ADJUDICATING OFFICER, RERA, BIHAR
 RERA/CC/ 133/2024
 RERA/AO/31/2024

Pawan Kumar Tiwari

---...Complainant

Vs

Tricolour Properties Pvt. Ltd.

-----Respondent

Project: Spring Fields.

07/05/2026

ORDER

The complainant has filed this case for compensation as promoter has failed to give possession as per agreement for sale. The reason for delay in handing over the possession not in time and the project is not yet completed. Nobody appears on behalf of the respondents nor any reply has been filed on their behalf. Shri Pawan Kumar Tiwari, learned counsel for the complainant appeared and prayed to dispose of this matter on the basis of the material available on record.

2. Heard the learned counsel for the complainant. A written argument has also been filed on behalf of the complainant. As per written argument, the principal amount of Rs. 5,61,000/- was paid to the promoter from 21.10.2017 to 09.01.2019 but neither the flat has been allotted to the complainant nor possession has been given to him, hence, the complainant is entitled for interest as per Rule 17 of Bihar Real Estate Regulatory Authority Rules, 2017 @ SBI Prime Lending Rate prevailing on the date on which the amount becomes due plus 2% from actual date till the date actual refund was made.

3. The promoter has violated the provisions of Section 12, 14, 18 and 19 of the RERA Act, 2016. The complainant paid much higher interest on the loan taken from the Bank. The cost of plot in question has become very high and increased multifold, hence the complainant suffered financial losses due to inflation and not handing over possession of plot as agreed. After 8 years' period the principal amount has been refunded and now complainant cannot purchase any plot, out of the principal amount. The complainant sent a legal

notice and also filed FIR at Bihta police station. There have been financial expenses, mental agony and harassment caused to the complainant. The promoter is indulged in unfair trade practices and failed to comply with the provisions of RERA Act and Rules being registered project under RERA Bihar.

4. After having heard the learned counsel for the complainant and perusal of the record, it appears that the fact, which has been mentioned in the notes of argument is not mentioned in the complaint petition in original. Moreover, as per notes of argument, principal amount has been returned and due to inflation in rate of the land, he cannot purchase land in that amount. It has been admitted by the complainant that an FIR has been lodged in a police station, Bihta for the same. After accepting the refund amount and lodging FIR in the police station and not filing any case before Authority for return of principal amount with interest as per Rule 17 of the Rules, @ SBI Prime Lending Rate prevailing on the date on which the amount becomes due plus 2% from actual date till the date of actual refund. The matter has been brought before the Adjudicatory Officer for compensation, without any agreement or without fact mentioned in complaint petition about any agreement appears not to be justified to decide without fact or evidence. The complainant has chosen another forum i.e. filing an FIR before police, so there is no need to interfere in the matter. However, in the notes of argument, those facts are not found in the complaint and in such circumstance, those facts cannot be considered at this stage. Moreover, he has not mentioned amount of compensation for which purpose and as such the complaint petition itself appears to vague.

There is no need to interfere in the matter and thus, this case is dismissed.

Sd/-

(Vinod Kumar Tiwari)
Adjudicating Officer
RERA, Bihar