

**REAL ESTATE REGULATORY AUTHORITY, BIHAR
IN THE COURT OF ADJUDICATING OFFICER, RERA, BIHAR**

RERA/CC/259/2024

RERA/AO/85/2024

Sri Sushil Kumar & Smt. Laltara Singh-----Complainant

v.

M/s Grih Vatika Homes Pvt. Ltd. ----- Respondent

PROJECT:VIP RESIDENCY

13/08/2026

ORDER

The complainant has filed this case to direct the respondent to pay compensation of Rs. 10,00,000/- (Rs. Ten Lakhs only) for damages caused by violating Sections 11,12,18 & 19(4) of the RERA Act, 2016, to pay rent of Rs. 15,000/- per month since 29.10.2021 till refund of consideration amount and realization of Compensation amount and also litigation cost of Rs. 2,00,000/-. It is also for a direction to pay 18% interest on the final compensation amount from the date of order till realization of compensation amount and also deems fit and proper.

2. The complainant case in brief is that the present complaint is filed on direction of the Authority. The respondent is liable to pay compensation to the complainant for violation of Sections 11, 12, 18 & 19 of the RERA Act, 2016. The respondent has failed to give possession of aforesaid flat in question. Even after repeated request by the complainant regarding aforesaid possession and execution of Sale Deed of the flat concerned, after the lapse of more than two years have failed to give possession and failed to return the advance amount with interest of the concerned flat to the complainant. Hence, left with no other option, this complaint is filed.

3. A reply has been filed on behalf of the respondent stating therein that the averments made in the complaint petition are misleading,

confusing and contrary to the true fact and circumstances of the present case. The total consideration amount was Rs. 61,00,000/- (Rupees Sixty-One Lakh only) excluding GST/ Service Tax out of which complainant had paid only Rs. 24,10,000/- (Rupees Twenty-Four Lakh, Ten Thousand only) and the complainant never showed his intention to clear the dues amount. The respondent is ready to refund the paid amount after deduction of 5% cancellation charges and service tax. Hence, the complainant has failed to comply the terms and conditions of the agreement. The complainant has withdrawn his booked flat himself, as such he has no right to claim for compensation due to non-payment of consideration amount according to terms and conditions and also due to withdrawal of the booked flat. Hence, this complaint case is to be dismissed.

4. The respondent did not appear for argument and on 27.07.2026 it was clearly ordered to appear on 13.08.2026 for further hearing and if he does not appear, the case is to be disposed of on the basis of the material available on record. Even though today also nobody appears for the respondent. So, after hearing Shri Sumit Kumar, learned counsel for the complainant, and the materials available on record, this case is being disposed of.

5. After hearing and considering Annexure-1 to the complaint petition it is clear that a case was filed before the Authority as RERA/CC/96/2023 against the respondent and in that case the Authority ordered on 13.08.2025 to refund the principal amount of Rs. 24,10,000/- to the complainant along with interest at 2% above marginal cost of fund-based rate (MCLR) of the State Bank of India since the date of the payment till the date of its refund within sixty days of the order. It was further ordered that the complainant is at liberty to press other claims, if any, which are in the nature of compensation, before the Adjudicating Officer, RERA.

6. The complainant has come before the Adjudicating Officer as per the liberty granted to him by the Authority and also as per the provisions of the RERA Act. So far the refund of the amount and its interest is concerned, that is the matter of Authority or its execution and that is not related to the court of Adjudicating Officer. This court has jurisdiction only regarding compensation for the act done by the parties. It is admitted fact that till date the order of the Authority dated 13.08.2025 has yet not been complied, due to which the complainant is suffering mental and physical agony.

7. Considering the aforesaid facts and circumstances it appears that the complainant has gone into mental and physical agony due to the act of the respondent and also suffered litigation cost. Thus, the respondent is directed to pay Rs. 3, 00,000/- (Rs. Three Lacs only) for mental and physical agony and Rs. 1,00,000/- (Rs. One lac only) for litigation cost to the complainant. The respondent is directed to pay the aforesaid amount within sixty days of the issue of this order.

8. With the aforesaid observations and directions, this case is disposed of.

SD/-

(Vinod Kumar Tiwari)
Adjudicating Officer
RERA, Bihar