

REAL ESTATE REGULATORY AUTHORITY, BIHAR
IN THE COURT OF SPECIAL PRESIDING OFFICER, RERA, BIHAR
RERA/CC/ 64/2023

Mr. Dileep KumarComplainant

Vs

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

Project: Green Vatika

16/03/2026

ORDER

Heard Mr. O.P. Nagmani, learned counsel for the complainant and Shri Ankit Kumar, learned counsel for the respondent.

2. The complainant has filed this case for a direction to the respondent to give flat as per his convenient at that price.

3. The complainant's case in brief is that the complainant booked a flat in the respondent- company and that has not been provided to him.

4. The respondent filed a reply stating therein that the complaint petition is misleading, confusing and contrary to the true facts. The complainant visits the place of respondent project for enquiry of the flat and booked flat no. 306, Block-A in the said project named as "Green Vatika". The total consideration amount of the flat is 13,00,000/- excluding service tax/ GST out of which complainant had paid only Rs. 4,00,000/- (Rs. Four lakh). The complainant booked the flat no. 306, Block-A in the said project in the year 2015 and the last amount was received in the year 2015. The complainant was aware of the situation of the flat. The respondent was ready to sell out the property below the market rate to run his project smoothly but the complainant was not sincere to make payment against the flat. The complainant had never tried to clear his dues as per the commitment made by him as per the schedule. The complainant is a payment defaulter. The respondent always tried to do his level best but the complainant has never intention to clear the dues amount along with Service Tax/ GST against the flat. The complainant is a defaulter in payment by which the respondent company is facing a financial loss. There is no any agreement signed between the parties. The respondent is ready to

refund the principal amount to the complainant. The respondent company is a RERA registered project and is always abiding the rules and regulations made by the RERA Authority. The occurrence is occurred before the enactment of RERA Act. 2016, so this case is fit to be dismissed.

Heard both side. After hearing and perusal of the record it appears that, there is no any written agreement between the parties. Both parties have admitted that the construction of the building/ flat has not been done and the respondent is not in a position to hand over the possession of the concerned flat. The respondent is ready to return the amount which has been paid by the complainant to the respondent. The complainant is also ready to take amount which he has paid for the concerned flat.

6. Considering the facts and circumstances of the case, the prayer for refund is allowed. The respondent is directed to pay the said amount of Rs. 4,00,000/- (Rs. Four Lakh only) plus interest 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% per month. The respondent is directed to pay the aforesaid amounts within 60 days from the date of issue of this order.

7. With the aforesaid observation and direction, this case is disposed of.

Sd/-

(Vinod Kumar Tiwari)
Special Presiding Officer
RERA, Bihar