

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

RERA/CC/404/2023

RERA/AO/53/2023

Rajeev Kumar &Ors.

..... Complainants

Vs

M/s GrihVatika Homes Pvt. Ltd.

.....Respondent

Project: VIP RESIDENCY

Present: For the Complainants: Mr Ritesh Kumar, Advocate
For the Respondent: None

17.12.2025

ORDER

Hearing taken up. Mr. Ritesh Kumar, learned counsel appears for the complainants. None appears on behalf the respondent today. Earlier also despite issuance of repeated notices, neither the respondent had appeared nor filed written statement nor argument and as such, this case was fixed for *ex parte* hearing.

2. The complainants have filed this case for the relief to execute the order dated 11.01.2023 passed by the Hon'ble Real Estate Appellate Tribunal, Bihar, Patna (hereinafter referred to as "the Hon'ble Tribunal") in favour of the complainants, failing which appropriate penalty under Section 63 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as "the RERA Act, 2016") may be imposed and the respondent-Company and its Director may be directed to compensate for the delay in handing over the flat to the complainants at the rate of 18% per annum from January, 2017 to July, 2023 of Rs.20,62,800/- being held by the respondent since October, 2014 to July, 2023 along with other compensation which comes to Rs.61,53,348/-. The complainants (decree-holders) have also sought relief or reliefs for which they are found to be entitled.

3. The facts of the case, in brief, are that the complainants had booked a flat bearing No.306 having an area of 1090 sq.ft. in "VIP Residency" situated at Phulwarisharif in the year 2014 under an Agreement for Sale dated 15.10.2014. The said building was being constructed by the respondent-M/s GrihVatika Homes Private Limited. The price of the said flat was Rs.20.00 lakh. Before entering into the said Agreement for Sale, the complainants had made payment of total consideration money of Rs.20.00 lakh of the flat along with G.S.T. of Rs.62,800/- which comes to total Rs.20,62,800/-. The

respondent had undertaken to complete the project and to hand over the booked flat by December, 2016. The complainants had approached the learned Authority for redressal of their grievances and for an appropriate relief, but unfortunately the same was dismissed by not properly appreciating the claim. Against the said order, the complainants had preferred an appeal before the Hon'ble Tribunal vide REAT Appeal No.74 of 2022. Accordingly the complainants are approaching the Adjudicating Officer to get interest on the amount which is lying with the respondent since 15.10.2014 and also for the compensation for the delay in completion of the flat which was committed to be completed and handed over by December, 2016 and which has not been completed nor handed over to the complainants till date. The aforesaid REAT Appeal No. 74 of 2022 preferred by the complainants has been allowed by order dated 11.01.2023. The Hon'ble Tribunal has been pleased to give liberty to the complainants for approaching this Court to get suitable compensation as well as interest for the delay in handing over possession of the apartment.

4. According to the complainants, as the amount of Rs.20.00 lakh of the complainants is being wrongfully withheld by the respondent and the complainants have been deprived of the benefit of the said money and also from the apartment (flat), for which the said money was given, though the apartment was liable to be given to the complainants by December, 2016, the complainants are entitled to get the said flat from the respondent and is also entitled to get interest on the aforesaid sum of Rs.20,62,800/- with effect from January, 2017 at the rate of 18% per annum till the date of handing over possession of the flat. The complainants are also entitled for compensation since they are forced to live in a rental flat for which rent is being paid by them even after December, 2016 when they were supposed to get the possession of the booked flat and price/consideration therefor paid by them. The rent being paid by the complainants for the flat being used by them is at the rate of Rs.15,000/- per month, which on calculation with effect from January, 2017 to July, 2023 comes to 79 months and on calculating the same at the rate of rent being paid by the complainants comes to Rs.11,85,000/-.

5. Other alternative is that by passing an order for making payment of the aforesaid sum, a direction may be given attached with that this amount shall go on enhancing by Rs.61,53,348/- per month till the date of handing over possession of the flat. The complainants are also entitled for compensation for mental harassment and also the litigation cost. In case of

failure of the respondent to comply the said direction, his properties may be attached and he be restrained from alienating any property, so that it may be properly executed and the amount awarded may be realised in favour of the complainants.

6. This is a complaint case filed in Form-N for compensation but the prayer for relief is to execute the order dated 11.01.2023 passed by the Hon'ble Tribunal in favour of the complainants, failing which appropriate penalty under Section 63 of the RERA Act, 2016 may be imposed and the respondent-Company and its Director may be directed to compensate for the delay in handing over the flat to the complainants at the rate of 18% per annum.

7. Power under Section 63 of the RERA Act, 2016 is of the Authority and not of the Adjudicating Officer. So this relief cannot be given by the Adjudicating Officer and as such, it is denied. So far execution of the order of the Authority is concerned, that also cannot be done through this case. Adjudicating Officer has limited jurisdiction of compensation only. So far other reliefs i.e., mental agony and harassment and litigation cost, are concerned, they may be given as compensation.

8. Accordingly, it is ordered that the complainants are entitled for Rs.1,00,000/- (One lakh) as they have suffered severe mental agony and physical harassment at the hands of the respondent. The complainants are also entitled for litigation cost of Rs.1,00,000/- (One lakh). The above amount is directed to be paid by the respondent to the complainants within sixty (60) days from the date of this order.

9. The case stands disposed of accordingly.

Sd/-

(Vinod Kumar Tiwari)
Adjudicating Officer
RERA, Bihar