

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

**RERA/CC/182/2024
RERA/AO/58/2024**

Pancham Lal **Complainant**

Vs

M/s DDL Infratech Pvt. Ltd. **Respondent**

Project: AGRANI WOODS

**Present: For the Complainant: Mr. Madan Mohan, Advocate
For the Respondent : Mr. Rabindra Kumar, Advocate**

18.02.2026

ORDER

Heard Mr. Madan Mohan, learned counsel appearing on behalf of the complainant and Mr. Rabindra Kumar, learned counsel appearing on behalf of the respondent.

2. This case has been filed by the complainant claiming interest of every month of delay from 16.04.2013 till handing over of actual physical possession, after full development, Rs.50,00,000/- (fifty lacs) compensation for increase in the cost of construction, Rs.20,000/- (twenty thousand) towards cost for re-erecting pillars, Rs.2,00,000/- (two lacs) as damages for harassment and Rs.1,00,000/- (one lac) towards expenses incurred in filing and contesting RERA/CC/875/2021.

3. The facts of the case, in brief, are that the respondent-Company transferred/sold to the complainant, company's plot no.D1-57, measuring 13610 sq.ft, situated at Village-Akhatiyarpur, P.S-Bihta, District-Patna, through registered sale deed no.13128 dated 16.04.2013. The respondent-Company executed a memorandum of

development agreement wherein it has undertaken to develop the land by filling earth, constructing 30 ft. wide branch road, water supply pipeline and electric supply to the plot transferred to the complainant, within a period of one year with grace period of six months from the date of the execution of the development agreement, which has not been done till date even after ten years. Thus, the complainant was constrained to file RERA/CC/875/2021 on 10.08.2021 in RERA. The Hon'ble Chairman of the RERA directed the respondent-Company to execute a rectification deed, mentioning the specific khata and plot no. of the land transferred, at its own cost. It was also observed in the order that the complainant may move before the Adjudicating Officer for compensation and damages. Till date the development has not been completed as per development agreement due to which construction has not been started on the plot, even after ten years. Due to hike in prices of all building materials and also labour charges, cost of construction has increased 6-7 times. After issue of possession letter and rectification deed, the complainant spent about Rs.20,000/- for demarcation of the plot by providing pillars thereon. The respondent-Company extracted all the pillars from the complainant's plot no.D3-57 with a view to dispossess the complainant and grab the land and sell the land at present market rate, which is about Rs.20,00,000/- per khatta. Till date the respondent-Company has not re-erected the pillars on the complainant's plot, in spite of assuring for the same several times.

4. On behalf of the respondent, a reply has been filed stating therein that the complaint petition is misleading and not maintainable

either on factor in law. The complainant has already been handed over physical possession and has taken alternative plot without any objection and also constructed the boundary wall. Rectification of the deed has been done. As per New Tech judgment and Patna Appellate Court's order registration in RERA on the basis of Mukhiya pass map is null and void. The Tribunal has held that the Authority cannot direct such Project under Section 3 of the Act which does not come within the purview of incompetent authority i.e., map approved by the Mukhiya. Any other collateral proceeding is null and void. Further, it has been stated that the plot was in project all the purchased land filled up the earth, but some raiyats not provided the land due to which delay occurred. Several persons booked the plot but not paid the consideration amount which resulted in project hampered. There was no intentional delay by the respondent, rather it was delayed by raiyat. The conducting Advocate Mr. Madan Mohan is one of the beneficiaries who is in full knowledge that the complainant handed over plot in western side and his wife's plot has been handed over and in western side and southern side, raiyat has not provided land, so the delay was not intentional. The respondent tried in 2016 to take loan from the financier of Mumbai who agreed to provide loan of Rs. Twenty five crore, but he duped the money which he had taken for advancing loan registration charge to mortgage the property. The said project is beyond the Municipal Corporation area and also beyond the planning area. The intention behind the execution of the sale deed was only the allotment of land and not transfer of the property and that was the reason, the complainant remained silent over the years. The complainant had purchased the aforesaid plots from the respondent

out of which three plots have been sold. The three plots are in other project. The complainant filed complaint case in 2021 and he agreed to take alternative plot without any objection. The respondent has uprooted the pillars at his own cost. A fresh rectification of registration has been done. His grievance has been redressed. The only grievance remains is for mutation/*parimarjan* in Anchal which had been undertaken and duly endorsed in rectification deed that after mutation of respondent within 70 days, her mutation will be done at the respondent's cost, for which a separate case No.465/2024 is pending. The respondent is a law abiding citizen and have goodwill and his project is running in very loss and in order to save his goodwill executed sale deed to several persons and also refund has been made to the parties in instalment. So, this case is not maintainable and it should be rejected.

5. After hearing both sides and perusal of the record, it appears that the complainant has taken possession with rectification deed of other plot and this fact is also supported by the possession letter. There is no doubt that a complaint case was filed by the complainant before the Authority and in that case, the Authority has observed that for compensation, he may approach the A.O. That order is in existence and that order is not challenged before any competent authority. There is also no doubt that alternative plot has been given to the complainant but the complaint has suffered a lot. So he is entitled for getting compensation towards mental agony and physical harassment and also litigation cost.

6. The respondent is thus directed to pay Rs.2,00,000/- (Two Lakh only) towards mental agony and physical harassment and also Rs.50,000/- (Fifty Thousand only) towards litigation cost, totalling Rs.2,50,000/- (Two Lakh Fifty Thousand only), to the complainant within 60 (sixty days) from the date of issue of this order.

7. With the above observations and directions, this case is disposed of.

Sd/-

(Vinod Kumar Tiwari)
Adjudicating Officer
RERA, Bihar