

REAL ESTATE REGULATORY AUTHORITY, BIHAR,

Before the Bench of Mr. Ved Prakash,
Special Presiding Officer

RERA/CC/92/2024

Mr. Manoj Kumar Ray & Smt. Rina Kumari Complainants

Vs.

M/s Yeshraj Construction & Techno Infra Pvt. Ltd.Respondent

PROJECT: TRIMURTI COMPLEX

For the Complainants: Mr. Vijay Kumar Mukul, Advocate

For the Respondent 1 &2: None

Respondent 3 : None

01.08.2025

ORDER

Learned counsel Mr. Vijay Kumar Mukul on behalf of the complainants but the respondent nos. 1 & 2, the respondent - company and its Director, and the respondent no.3 Pankaj Kumar are absent.

2. Learned counsel for the complainants submits that an Agreement For Sale dated 02.06.2018 was executed between the complainants and the respondents to purchase one 3-BHK flat (Flat no. 201 of 1250 sq. ft.) in the proposed project “Trimurti Complex” located at Mauza – Danapur Sahzadpur, Phulwari Sharif, Patna, on consideration amount of Rs.28,85,000 each. The complainants made payment of Rs.22,00,000/- against Flat no.201, which finds mention at page -3 of the Agreement, by taking loan from the Bank. He further submits that the respondent – promoter had promised to complete the construction work of the project and handover possession of flat to the complainants within three years of the Agreement, but the respondent – promoter never started construction work of the proposed project rather defalcated the amount paid by the complainants and whenever the complainants asked the respondents to deliver possession of flat, they used to say

/2/

that they would provide flat elsewhere but till date neither the respondents have handed over possession of flat nor refunded their money in spite of repeated requests and sending of legal notice dated 19.01.2024 by the complainants. Hence, the present complaint by the complainants for refund of money along with interest

3. It is evident from the record that the respondent nos. 1 & 2 never appeared before the Conciliation Forum nor before this Bench in spite of notices issued on 29.04.2025 & 09.07.2025, which suggests that the respondents do not want to cooperate in this matter and they want to linger this matter in order to harass the complainants further. However, the respondent no.3 had appeared before Conciliation Forum but did not redress the grievance of the complainants.

4. Perused the record. The Bench observes that the respondent - promoter did not honour the commitment made to the complainants of either completing the project within the specified time or handing over possession of their flats as per Agreements For Sale dated 02.06.2018 in the project "Trimurti Complex" in spite of getting amount of Rs.22,00,000/- against Flat no.201. Further, when the respondent – promoters failed in honouring the commitment, the complainants requested to refund their money but they did not refund. The Bench is of the view that the respondent – promoter does not want to say anything in this matter as in spite of repeated chances provided to them they never either appeared before the Conciliation Forum or this Bench. Considering the hardship being faced by the complainants and also the indifferent and non-cooperative attitude of the respondent – promoter in not appearing in this matter in spite of several opportunities provided, this Bench is left with no option but to dispose of this case on the basis of material available on record.

5. Taking into consideration the aforesaid submission of learned counsel for the complainants and on going

/3/

through the material available on record, the Bench directs the respondent - company and its Director Mr. Krishna Kumar and others to refund the principal amount of Rs.22,00,000/- to the complainants along with interest at 2% above marginal cost of lending rate (MCLR) of the State Bank of India since the date of payment of the principal amount till the date of refund within sixty days of this order.

6. The complainants are at liberty to press other claims, if any, which are in the nature of compensation, before the Adjudicating Officer, RERA.

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

Sd/-

(Ved Prakash)

Special Presiding Officer, RERA, Bihar.