

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Hon'ble Inquiry Commissioner, Mr. Sanjaya Kumar Singh, RERA,
Bihar

Exe. Case No. 493/2023

RERA/CC/150/2022

Amita Srivastava

.....Complainant

Vs

M/s Kanishka Buildcon Pvt. Ltd.

.....Respondent

Project: Vidyanand Maheshwari Complex

Present: For Complainant: Mr. Punit Kumar, Advocate
For Respondent: Mr. Sumit Kumar, Advocate

25/08/2026

INTERIM ORDER

The matter was last heard on 29.05.2026 when Mr. Punit Kumar, learned counsel had appeared on behalf of the complainant/ executant and Mr. Sumit Kumar, learned counsel had appeared on behalf of the respondent.

Learned counsel for both the parties were directed to file detailed notes of argument before this Bench mentioning the entire details. In compliance of the same, learned counsel for the respondent and the complainant have filed the written notes of argument. On perusal of the record the fact as emerges in this matter is that the respondent had kept Rs.7.85 lakh pending with him which was required to be refunded to the complainant after deducting the registration cost of the impugned property purchased by the complainant as per the order dated 21.08.2023 passed by the Authority in RERA/CC/150/2022. It is clear that the respondent failed to comply with the said order and the sale deed had to be executed unilaterally by the Sub Registrar, Danapur on the basis of letter no. 285 dated 23.02.2026 issued by the Executive Officer, Danapur Nagar Parishad in the light of the order dated 27.09.2024 passed by the Bench in Exe. Case No. 493/2023. The said registration was done in April, 2026 and the cost of the registration was borne by the complainant/ executant and not the respondent. Hence, the order passed by the Authority is itself rectified to the extent that since no money had been spent by the respondent for registration, therefore the entire Rs.7.85 lakh was to be refunded to the complainant along with interest thereon. It is not clear whether a certificate case has been instituted for recovery of the same.

Hence, the Compliance Wing of the Authority is directed to verify whether any certificate case has been instituted in this matter for recovery of Rs.7.85 lakh along with interest thereon within ten days from today.

Meanwhile, the complainant is also directed to furnish details whether a certificate case has been instituted and if so, what is the actual certificate amount for which the certificate case has been instituted. In case the complainant is not satisfied with the amount, then the complainant is directed to furnish a detail calculation of interest over the entire refundable amount of Rs.7.85 lakh from

the date of payment till date so that necessary direction for recovery of the additional amount pertaining to interest accrued thereupon be directed to be recovered. In case a certificate case has not been instituted, the complainant is directed to bring the fact before this Bench so that a final decision in this regard be taken accordingly.

As far as the averments of the respondent is concerned, it is clear that he has failed to comply with the order of the Authority and he has neither executed the sale deed in favour of the complainant nor made any effort to pay the remaining amount as directed by the Authority in its order passed in RERA/CC/150/2022. The respondent is only insisting that the present case pertains to a period prior to enforcement of RERA Act and he submits a photo copy of the completion certificate dated 17.04.2017 issued by an Engineer Mr. Satyendra Prasad Singh.

It is made clear that the Bench hearing the execution case is concerned only with regard to execution of the order passed by the Authority in RERA/CC/150/2022 and has no authority to decide the issue afresh on the basis of merit which has already been done by the Authority while deciding the complaint case. Hence, the respondent is again directed to refund the entire remaining amount of Rs.7.85 lakh along with interest accrued thereupon within ten days from today, failing which a certificate case for realisation of the same shall be instituted against the respondent.

Order is reserved.

Sd/-

(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Hon'ble Inquiry Commissioner, Mr. Sanjaya Kumar Singh, RERA,
Bihar

RERA/CC/523/2024

Dr. Shashibala Jha

.....Complainant

Vs

M/s Grih Vatika Homes Pvt. Ltd.

.....Respondent

Project: Pushp Vatika

Present: For Complainant: Mr. Manoj Kumar Jha, Advocate

For Respondent: Mr. Ankit Kumar, Advocate

25/08/2026

ORDER

The matter was last heard on 22.07.2026 when Mr. Manoj Kumar Jha, learned counsel had appeared on behalf of the complainant and Mr. Ankit Kumar had appeared on behalf of the respondent.

Learned counsel for the complainant has submitted that the complainant had not only paid the entire amount but has also paid an additional amount of Rs.5.00 lakh for the purpose of registration of the booked flat in her favour by the respondent. The complainant has also filed through her learned counsel a written petition mentioning therein that she has been allotted Flat No. 110 in the impugned project Pushp Vatika Apartment and has been given possession letter as well as No Objection Certificate on 02.06.2023 by the respondent. In the said written submission the complainant has requested for vacating the stay order dated 06.02.2026 passed in Exe.Case No. 319/2022 pertaining to RERA/CC/523/2024 with regard to Flat No.110 so that the said Flat No.110 be executed in favour of the present complainant by the respondent. The complainant has further averred that during the course of hearing the respondents have agreed to execute the absolute sale deed of the said Flat No.110 in the impugned project in favour of the complainant but because of restriction imposed on execution of the sale deed over the entire units of the impugned project, the said execution of the sale deed is not happening in her favour. The complainant further submitted that she is ready to deposit the registration fee for execution of the sale deed in her favour and also reserves right to recover the excess amount paid by her to Mr. Kumar Abhishek, who is an employee of the respondent.

On perusal of the record and considering the averments made by the complainant in her written submission filed before the Bench, in order to protect the interest of the present complainant, who is a homebuyer, the Bench taking a lenient view over the matter concerned vacates the restriction imposed in Exe.Case No. 319/2022 pertaining to the impugned project Pushp Vatika only to the extent of present flat No.110 belonging to the complainant. The restriction on execution of the sale deed pertaining to other units of the impugned project shall remain in vogue as passed in Exe.Case No. 319/2022 emanating out of RERA/CC/523/2024. The said restriction for executing the sale deed of Flat

No.110 is vacated only to the extent that the execution of the sale deed shall be done only in favour of the complainant Dr. Shashibala Jha and no other person except the complainant.

The respondent is directed to execute the sale deed pertaining to Flat No.110 in the impugned project Pushp Vatika in favour of the complainant and further directed to refund the entire amount paid in excess by the complainant.

As regards claim for compensation is concerned, the complainant is at liberty to press the same before the A.O. (Adjudicating Officer) as per the provisions of the Real Estate (Regulation and Development) Act, 2016.

With these directions and observations, the matter is disposed of.

(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Hon'ble Inquiry Commissioner, Mr. Sanjaya Kumar Singh, RERA,
Bihar

RERA/CC/211/2025

Hemanth Kumar Singh Complainant

Vs

M/s Unibera Group Limited Respondent

Project: R R Complex

Present: For Complainant: Mr. Jai Ram Singh, Advocate
For Respondent: None

25/08/2026

ORDER

The matter was last heard on 29.04.2026 when Mr. Jai Ram Singh, learned counsel had appeared on behalf of the complainant but none appeared on behalf of the respondent. The order was reserved and is being pronounced today.

Learned counsel for the complainant has submitted that the complainant had booked a commercial shop on the ground floor bearing Shop No.3 admeasuring approximately 209 sq.ft. super built-up area and 150 sq.ft. built-up area in the impugned project 'R R Complex' for a total consideration amount of Rs.15.68 lakh out of which the complainant paid a total amount of Rs.8.51 lakh on different dates for which the respondent has issued money receipts to the complainant. He further submitted that despite receiving the said money, the respondent has failed to hand over the possession of the shop to the complainant. He also submitted that the project after a lapse of eight years has not yet been completed and he is still doubtful whether the same will ever be done or not. In the complaint petition the complainant has prayed for a direction to the respondent to hand over the possession of Shop No.3 to the complainant for which the complainant is ready to pay the entire remaining amount to the respondent or in case it is not possible direct the respondent to refund the entire principal amount paid by the complainant along with interest as per the provisions of law.

On perusal of the records it appears that the respondent has been absent on all the dates taken up for hearing before this court as well as before the Conciliation Forum. The respondent neither appeared nor filed any reply in respect of the present complaint petition despite notice being given to him vide order dated 11.12.2025, 05.02.2026 and 24.03.2026 in adherence to the principle of audi alteram partem. It also appears that the respondent is a habitual defaulter. On 29.04.2026 the respondent was given a final opportunity to file a written notes of argument but they have not bothered to file any written notes of argument till date.

Hence, this matter cannot be kept pending for an indefinite period. This Bench therefore deems it appropriate to dispose of this case as per the provisions

contained in Order 8 Rule 10 of the C.P.C. and pass final order on the basis of material available on record.

Perused the entire record of the case including the documents submitted by the complainant. On perusal of the record, it is observed that the complainant had booked a commercial shop bearing shop No.03 on the ground floor and had paid a total amount of Rs.8.51 lakh out of a total consideration amount of Rs.15.68 lakh. Therefore, it is clear that the complainant has paid below 55% of the entire consideration amount and hence, at this juncture it is not possible to direct the respondent for handing over the possession of the shop. As per submission of the complainant, only the basic structure of the building has been completed and the construction has not yet progressed. Since the complainant has paid only 55% of the consideration amount, this Bench is left with no option but to direct the respondent to refund the entire principal amount paid by the complainant.

Nevertheless, it is clear that the respondent has enjoyed full economic benefit out of the amount paid by the complainant to the respondent company for the entire period from the date of payment till the present day and he is, therefore, liable for refund of the entire amount along with due interest as per the provisions of law.

Thus, in light of the documents placed on record and submissions made therein and also considering the fact that the respondent has enjoyed the economic benefit of the amount paid by the complainant in lieu of booking of the alleged shop, the respondent company and its Directors are hereby directed to refund the entire principal amount of Rs.8.51 lakh to the complainant along with interest @ 2% above the Marginal Cost of fund-based Lending Rate (MCLR) of State Bank of India as applicable for three years from the date of booking till the date of refund within sixty days of the date of issue of this order.

As regards claim for compensation is concerned, the complainant is at liberty to press the same before the A.O. (Adjudicating Officer) as per the provisions of the Real Estate (Regulation and Development) Act, 2016.

With these directions and observations, the matter is disposed of.

(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar