

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Bench of Hon'ble Inquiry Commissioner, Mr. Sanjaya Kumar Singh, RERA,
Bihar**

Exe. Case No. 215/2021

RERA/CC/45/2021

Satyendra Kumar GuptaComplainant/ Executant

Vs

M/s Ghar Lakshmi Buildcon Pvt. Ltd.Respondent

Project: Income Tax Residency

**Present: For Complainant: In person
For Respondent: None**

20/03/2026

INTERIM ORDER

Hearing taken up. The complainant/ executant is present in person. The respondent is absent.

During the hearing it is clear that the executant has filed the present execution case for compliance with the order dated 18.10.2021 passed by Sri R.B.Sinha, Ex-Member, RERA, Bihar in RERA/CC/45/2021, in which the Authority directed the respondent company to execute a registered agreement for sale for the flat in the project Income Tax Residency with the allottee within 30 days of issue of this order, failing which the Authority may initiate proceedings u/s 63 of the Act for contravention of Section 13 of the Act under which the promoter may be liable to pay a penalty which may extend up to five percent of the estimated cost of the project.

The executant has submitted that he had booked a flat bearing Flat No.808 in the said project at a total consideration amount of Rs.15.00 lakh against which he paid a total amount of Rs.12.00 lakh to the respondent company. He has further submitted that even after paying 80% of the total amount, the agreement for sale was not executed. It is also submitted that the respondent- promoter has already sold the said flat through a registered sale deed in favour of one Sri Ashish Gaurav after passing of the order dated 18.10.2021 in the said complaint case for which he furnished a web copy of the deed details issued by the Department of Registration, Excise and Prohibition, Govt. of Bihar and it pertains to the said Flat No.808 which has been sold by the respondent. In such circumstances, he has prayed for a direction to the respondent to refund the said amount along with interest thereon.

It has also been observed that in spite of several notices and warrant of arrest issued against the respondent, he has failed to appear in this case and also has failed to file any reply. It is thus clear that the respondent has failed to comply with the order of the Authority and hence, is liable for strict penal action as per the provisions of Section 63 of the Real Estate (Development and Regulation) Act, 2016. Section 63 of the Act provides for a penalty for every

day subject to a maximum of 5% of the estimated cost of the Real Estate project. The estimated cost of the project is required to be known to this Bench.

This Bench, therefore, directs the Compliance Wing to verify the details of the present project and mention the estimated cost of this project as given by the respondent in his registration application. The Compliance Wing is directed to furnish the details within seven days after which final decision shall be taken.

Order is reserved.

Sd/-

(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar