REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mr. Ved Prakash,

Special Presiding Officer,

RERA/CC/349/2025

Binod Kumar ……Complainant(s)

Vs

M/s Bricks Estate Pvt. Ltd. ……Respondent

PROJECT: SAI MOTI LAL ENCLAVE

For the Complainant: Mr. Vivek Kumar, Advocate

For the Respondent: None

16.09.2026 **PROCEEDING**

Learned Counsel Mr. Vivek Kumar on behalf of complainant is present, but the respondent is absent.

2. Learned Counsel submits that all the five complainants were intending to purchase two duplex flats in the Project- Sai Moti Enclave of the respondent, and after negotiation, a Memorandum of Understanding (Agreement for sale) was executed between both the parties for the purchase of two duplex flats having a super built-up area of 7500 sq. ft., along with reserved car parking spaces in the said Project- Sai Moti Lal Enclave situated at Mauza & P.S-Danapur, bearing Thana No. 44, District & Town- Patna on the consideration of Rs. 1,63,00,000/-. The

complainants have paid the entire consideration at the time of execution of said deed of Agreement of Sale.

3. Learned Counsel further submits that the respondent has told them that there has become some litigation on part of the project land, so he was not in a position to deliver possession of the duplexes in question.
4. He further submits out of the consideration Rs 1,63,00,000/- the complainants have paid Rs. 1,25,00,000/- in cash and Rs. 38,00,000/- through cheques and till date, the respondent has not made delivery of possession of the duplexes. On inquiry regarding delivery of possession of the duplex flats, the complainant came to know that the respondent is not ready to deliver possession to the complainants, which has resulted in loss to them.
5. The learned counsel for the complainants further submits that the respondent is adamant to sell the duplexes to some other prospective buyer instead of delivery of possession to the complainants.
6. Learned Counsel further submits that the project is unregistered with the Authority, but it is still incomplete and ongoing. He further submits that the Hon'ble Members of the Authority on 09.05.2019 have imposed penalty of Rs. 18, 30,000/- for contravention of Section 3 of the RERA Act against the respondent promoter in Suo Motu Case No. SM/279/2018 under Section 59(1) of the RERA Act. The Hon'ble members of the Authority have directed the respondent to get the registration of the project without any further delay, but the respondent has yet not applied for registration. However, the project Sai Moti Lal Enclave is ongoing and registrable as it is still incomplete.
7. Learned Counsel further submits that since the respondent is adamant to transfer the duplex flats to some other prospective buyer, hence he may be restrained under the provisions of Section 36 of the RERA Act

Act, 2016, otherwise he will transfer and there will be irreparable loss to the complainants, which cannot be compensated in terms of money.

8. On a notice, Mr. Pramod Kumar, Director of the respondent company, had appeared on 11.02.2026, 22.04.2026, and on the previous date 17.06.2026 and he has assured to the Bench / Authority that the matter is likely to be settled between the parties and further that he is ready to redress the grievances of the complainants. However, today the Director of respondent company is absent in spite of knowledge of the fixed date, i.e., today.

9. Considering submissions of learned counsel for the complainants it appears that there are five complainants, namely Binod Kumar, Gopi Krishna Kumar, Amrendra Kumar Sinha, Sachi, and Archana Kumari in the present case, and they have entered into an unregistered Agreement for Sale dated 08.08.2018 with the respondent promoter Mr. Binod Kumar to purchase two residential duplex flats having a super built-up area of 3,771 sq. ft. and carpet area of 3,046 sq. ft., along with a pooja room on the first floor having four bedrooms, along with reserved car parking space No. 6 etc., in the Project- Sai Moti Lal Enclave, situated at Mauza- Mainpur Shankar, Mohalla- Hathi Khana Mod, Danapur, Sub-Registry-Danapur, District- Patna, Thana No. 24, Ward No. 10, Khata No. 61, Survey Plot Nos. 345, 332 on consideration of Rs. 1,63,00,000/- out of which they paid Rs. 1,25,00,000/- cash and Rs. 38,00,000/- through cheques as mentioned in the deed of Agreement for Sale.It further transpires that the respondent had agreed to execute sale deeds with respect to both the duplexes having area 7500 sq. ft. in the name of the complainants, or in names of nominee(s) disclosed by them.

10. Record also shows that a development agreement dated 14.11.2017 were also executed between the land owner Mr. Ram Kishore Singh and Promoter Company through its director Mr. Pramod Kumar.
11. On the basis what have been discussed above, the Bench/Authority observes that the complainants have a prima facie case with respect to the duplex flats having area 7500 sq. ft. in the Project- Sai Moti Lal Enclave. Balance of convenience also lies in favour of the complainants as they have paid total consideration to the respondent, and there will naturally be loss and harassment to the complainants, which cannot be compensated in terms of money.
12. In such facts and circumstances inspite of receipt of full consideration of duplex flats respondent on one or ground was not ready to deliver flats and execute sale deed in favour of the complainants and at present instead of transfer of duplexes in favour of complainants, he is adamant to transfer the said duplex flats in favour of the prospective buyer, hence Bench/Authority has no option except to restrain the respondent to transfer the duplexes in favour of prospective buyers. Accordingly, respondent promoter is restrained to execute sale deed/conveyance deed with respect to the duplex flats in question of the Project- Sai Moti Lal Enclave in favour of any prospective buyer till further order of this Bench / Authority.
13. District Sub-Registrar, Patna/ Sub-Registrar, Danapur are directed not to register any sale deed/conveyance deed on presentation of deed by the respondent promoter or his representative in favour of any prospective purchaser till further order of this Bench / Authority.
14. The order be communicated to the concerned Officers for strict compliance through IG Registration, Bihar, Patna.

15. The respondent is directed to make proper pairvi, otherwise, case will be taken for ex-parte hearing.

Put up on 28.10.2026 for appearance of respondent.

Sd/-

(Ved Prakash)
Special Presiding Officer
RERA, Bihar
16.09.2026