

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18292 of 2025

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Sushma Verma W/o Rajiva Kumar Sinha, Resident of M-302, Sumit Chandram Griham Apartment, Ramnagri Road, Ashiana Nagar, P.S.- Rajeev Nagar, Dist.- Patna, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development Department, Bihar, Patna.
2. The Principal Secretary, Urban Development Department, Bihar, Patna.
3. Real State Regulatory Authority, Bihar, Bihar State Building Construction Corporation Campus, Shastri Nagar, Patna, through its Chairman.
4. The Chairman, Real State Regulatory Authority, Bihar, Bihar State Building Construction Corporation Campus, Shastri Nagar, Patna.
5. Grih Vatika Homes Pvt. Ltd., through its Managing Director, Ranjeet Kumar Jha, Dipty Roy Complex, Srikrishnapuri, P.S.-Srikrishna puri, Boring Road, Patna.
6. Ranjeet Kumar Jha, the Managing Director, male, age not known, S/o not known, Grih Vatika Homes Pvt. Ltd., Dipty Roy Complex, Srikrishnapuri, P.S.- Srikrishna puri, Boring Road, Patna.
7. Anita Tiwari W/o not known, Director cum authorised signatory, Grih Vatika Homes Pvt. Ltd., Dipty Roy Complex, Srikrishnapuri, P.S.- Srikrishna puri, Boring Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliari, Advocate
For the Respondent/s : Mr. Government Advocate 07

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 15-06-2026 Learned counsel for the petitioner submits that the appellate authority of RERA is not functional, therefore, this petitioner has approached this Court by invoking the jurisdiction of Article 226 of the Constitution of India.

2. Learned counsel for the RERA has no objection to the same.



3. In view of the stand so taken, the defect(s) with regard to maintainability is ignored.

4. The writ petition has been filed for the following reliefs :-

(A) For issuance of an appropriate Writ/s, Order/s or direction for quashing of the order dated 24.07.2025 by which the learned RERA Court has disposed of the Exe. Case No. 197 of 2024 arising out of Case No. RERA/CC/342/2023 observing that principal amount has been refunded to the petitioner, which is not correct and the consequential order dated 29.08.2025 by which the rectification of the said erroneous order has been denied.

(B) For issuance of an appropriate Writ/s, Order's or direction to the private respondents to refund the entire amount, paid to them by the petitioner, with 12 percent compound interest from the date of booking. i.e.. 04.03.2013 till the date of actual entire payment to the petitioner.

(C) For issuance of an appropriate Writ/s, Order's or direction to the private respondents for payment of compensation for the mental harassment, financial damages and undue litigations.

(D) For issuance of consequential relief directing the concerned respondents to take immediate and appropriate action to ensure the return of the amount already paid to the private respondent to the petitioner who is legally entitled for the same.

(E) For any other relief reliefs the petitioner is found entitled to in the facts and



circumstances of the present case.

5. Learned counsel for the petitioner submits that the petitioner being aggrieved by the behavior / action of the private respondent No.6 that despite the amount which was deposited for allotment of flat, the same has not been given within 5 years, even after clearance of the cheque amount given by the petitioner as against 2 flats, being Flat Nos. 306 and 308-A, for which the petitioner is said to have filed a complaint being RERA/CC/342/2023, which was registered and the proceeding commenced on 02.01.2024, and the case was heard and notices were issued to the private respondents, who were directed to appear on 24.01.2024.

6. It has further been submitted that again the case was heard on 01.01.2024 and RERA authorities were pleased to direct the Managing Director (respondent No.6) to refund the principal amount of Rs.9,26,697/- to the petitioner with interest within 60 days of the order and it is the case of petitioner that when the said order was not complied with by the respondent No.6, they were compelled to file Execution Case being Exe. Case No.197 of 2024.

7. It is the case of the petitioner that on the basis of



wrong submissions, the execution case was dropped and disposed of and when this petitioner filed an application for rectification / recall of the order dated 24.07.2025, wherein it has wrongly been stated that “*Parties are mutually agree to the fact that the principal amount has been refunded to the petitioner*”, the RERA authorities in Exe. Case No.197 of 2024 arising out of RERA/CC/3242/2023, has declined to pass any appropriate order on the recall petition stating that it is not a clerical error and since, the order has been passed and the authorities do not have any power to recall such orders, as such in order to seek intervention in the execution case, which is said to have been disposed of by the RERA authorities on 24.07.2025, the instant writ petition has been filed.

8. On the other hand, learned counsel for the RERA fairly submits that the grounds which have been mentioned for intervention by this Court, appears to be *bonafide* and this matter may be remanded to the authorities concerned for executing the order passed in the case being RERA/CC/3242/2023, as from the materials available on record, it appears that the amount which was directed to be refunded in favour of the petitioner, has not been refunded by the respondent No.6.



9. Considering the aforesaid fact that there is apparent error in the order dated 24.07.2025 passed by the RERA authorities in Exe. Case No.197 of 2024 arising out of RERA/CC/3242/2023, this Court finds it appropriate to set aside the same and directs restoration of Exe. Case No.197 of 2024 arising out of RERA/CC/3242/2023 and conclude the same within a period of two months by issuing notice to respondent No.6, for bringing the same to its logical conclusion.

10. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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