

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20057 of 2025

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Sudarshan Sinha Son of Shree Shivjee Prasad, Resident of T-6 B, Railway Colony, Near Railway Station, Nabha, Patiala, P.S.- Nabha, District- Patiala, Punjab-147201.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. Real State Regulatory Authority, Bihar, Bihar State Building Construction Campus, Shastri Nagar, Patna through its Chairman.
4. The Chairman, Real State Regulatory Authority, Bihar, Bihar State Building Construction Campus, Shastri Nagar, Patna.
5. A.S. Ganesh Infra Pvt. Ltd., through its Director Amarkant Singh and Nilam having its registered office at C/o Shashi Bhushan Singh, Chanakaya Nagar Colony, Kumhrar, Near Bhagwat Milan Mandir, P.O.- Agamkuan, P.S.- Agamkuan, District- Patna - 800026.
6. S.P. Singh and Associates, through its Director Shankar Singh, having its registered office at 308, Hem Plaza, Fraser Road, Chhaju Bagh, P.S.- Gandhi Maidan, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Gaurav, Advocate Mr. Rishi Raj, Advocate
For the Respondent/s	:	Mr. Government Pleader (22) Mr. Rakesh Ranjan, AC to GP-22
For the RERA	:	Mr. Jainandra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 16-03-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The writ petition has been filed for the following



reliefs :-

(I) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the order dated 15.05.2025 passed by the Respondent no.4 in RERA /Exe/349/2024 arising out of RERA/CC/1279/2021 whereby and where under the Respondent no.4 has been pleased to dispose of the matter observing that the entire Principal amount of Rs.12 Lakh has been refunded to the petitioner by the Respondent 2 set notwithstanding the fact that out of total amount of Rs.12 Lakhs given by the petitioner to the Respondent 2 set only the amount of Rs.6 Lakhs was refunded by the Respondent 2 set merely on the basis of so-called statement of the so-called statement of learned counsel appearing on behalf of the petitioner without any support of the document/evidence as produced by the Respondent 2nd set.

(II) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the order dated 02.09.2025 passed by the Respondent no.4 in RERA /Exe/349/2024 arising out of RERA/CC/1279/2021 whereby and where under the Respondent no.4 has been pleased to dispose of the rectification petition filed by the petitioner for rectification of the order dated 15.05.2025 holding that the rectification petition does not come under the purview of typographical /clerical error and hence it cannot be entertained at this point of time.

(III) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent 2 set to refund the remaining amount of principal amount ie. Rs.6 Lacs to the petitioner with 12% compound interest from the date of payment of principal amount to the petitioner till the date of its actual payment forthwith

(IV) For issuance of an appropriate writ in



the nature of MANDAMUS commanding and directing the Respondent 2 set for payment of compensation to the petitioner his mental harassment, financial loss and undue litigations caused due to malafide intention of the Respondent 20 set.

(V) For issuance of any other appropriate writ/writs, order/orders direction/ directions for which the writ petitioner would be entitled under the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that the Single Bench of RERA Bihar vide order dated 24.07.2024 had directed the respondent-bank to refund the principal amount of Rs.12 lakh to the complainant along with interest at the rate of marginal cost of fund based leading rate (MCLR) of State Bank of India as applicable for three years plus 2% interest from the date of refund within a period of 60 days of issue of order in question.

4. Learned counsel for the petitioner next submits that when the amount in question was not paid, the petitioner is said to have initiated an execution proceeding by filing a RERA Exe.349/2024 case, before the RERA Authorities and in view of incomplete instructions received from the complainant and being misinformed, the learned counsel for the complainant, made submissions that the entire amount has been refunded and in view of the submissions made, the Execution proceeding is



said to have been dropped.

5. On the other hand, learned counsel for the RERA does not dispute the factual position and accordingly, in view of the submissions made by the parties and materials available on record, this Court, taking note of the fact that the compliance of the order dated 24.07.2024 has admittedly not been made and accordingly, finds it appropriate to set aside the order dated 15.05.2025 passed in RERA/Exe/349/2024 arising out of RERA/CC/1279/2021 and the execution proceeding so initiated by the complainant is restored to its original file and the authorities of the RERA are directed to issue appropriate notice to all concerned and proceed from the stage thereon in accordance with law, ensuring compliance of the order dated 24.07.2024 passed in RERA/CC/1279 of 2021.

6. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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