

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mr. Naveen Verma, Chairman

Case Nos. RERA/CC/1617/2020

RERA/AO/547/2020

Mrs. Renu Devi & Virendra Singh...Complainants

Vs.

M/s Patil Gram Builder Pvt. Ltd. ...Respondent

Project: - Patil Gram Kingdom Phase-I

Interim Order

20.01.2023

The matter was last heard on 03.01.2023.

The case of the complainants is that they had entered into a registered agreement for purchase of a Duplex Bungalow in project "Patligram Kingdom, Phase-1" with the Respondent Company on 11.07.2018 and they had paid a sum of Rs. 16 lacs as advance against the total consideration amount of Rs. 32 lacs and in addition, they had paid Rs.80,000/-for getting the registered deed executed. It has been submitted that the project was to be completed within three years and six months; but since the aforesaid site was under litigation and the Respondent had not disclosed about the dispute of possession, they sent a letter for cancellation for refund of the amount. Since the Respondent did not refund the amount of Rs. 16.80 lacs, they had filed the matter for refund of principal amount and compensation.

Perused the records. The reply of the Respondent is not on record, which is also mentioned in the order sheet of 08.04.2021.

It would, therefore, be appropriate to give an opportunity to the respondents to submit a copy of the reply which they had filed earlier.

It is clear from the document filed by the complainants that payment of Rs. 16,80,000/- have been mentioned in the agreement of sale itself. In terms of the judgment of the Hon'ble Supreme Court of India in the case of **M/s Newtech Promoters & Anr. Vs. State of U.P. & Ors.**, the Authority can pass an order for refund of principal amount along with interest. It is seen that the complainants have not sought for interest on the principal amount paid by them, but have asked for compensation. The complainants may also clarify from the amount whether they are not insisting on the payment of interest on the amount paid by them.

Issue summons to the Respondent Company to appear on the next date and submit a copy of reply.

Put up on 31.01.2023

Sd/-
Naveen Verma
(Chairman)