

**REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR**  
**Before the Single Bench of Mrs. Nupur Banerjee, Member**

**Case No: RERA/CC/128/2023**

**Mohammad Rahmat Ali**

**...Complainant**

**Vs.**

**M/s Delcon Homes Pvt. Ltd.**

**...Respondent**

**Project: Delcon City, Phase-II**

**23/07/2024**

**ORDER**

Heard Mr. Pranshu Prakash along with Mr. Punit Kumar, learned counsel for the complainant and Mr. Sharad Shekhar, learned counsel for the respondent.

In short, the case of the complainant is that the complainant has booked a plot bearing Plot No.D-40 in the project Delcon City, Phase II for a total consideration of Rs.9.60 lakh. He has paid full consideration of Rs.9.60 lakh to the respondent on 18.08.2021. They assured that the possession of plot No.D/40 will be given after registration of sale deed but for one pretext or another they taken time for giving possession of the plot. The complainant approached several times from 18.08.2021 till date but they are not giving possession of the said plot till date. Therefore, the complainant has prayed to direct the respondent to handover the possession of Flat No.D/40.

The complainant has placed on record the copy of the absolute sale deed and the money receipts.

Perused the record. No reply has been filed by the respondent.

Learned counsel for the complainant submits that the complainant has booked a plot No.D/40 in the said project and absolute sale deed was also executed on 18.08.2021 but till date he has not got the plot. He has also paid the Government Holding Taxes till date but till now he has not got the plot, so he wants refund of money with interest. He also states that hyper extension wire is also running from this plot, so he has no interest in taking the plot. He states that the complainant has already sent a cancellation letter to the respondent as well as to RERA. He has also filed a hard copy of the cancellation letter today in court.

Learned counsel for the respondent submits that there is no agreement between the parties. Absolute sale deed was executed between the parties.

Both the parties will co-operate for deregistration of the absolute sale deed that has already been executed between the parties.

In the light of the documents placed on record and submission made and considering that the respondent has taken the economic benefit of the amount paid by the complainant in lieu of booking of the alleged plot, the Bench hereby directs the respondent company and its Directors to refund the principal amount of Rs.9.60 lakh to the complainant along with interest at the

rate of marginal cost of fund-based lending rate (MCLR) of State Bank of India as applicable for three years plus 2% interest from the date of booking till the date of refund within sixty days of issue of this order.

With these directions and observations, the matter is disposed of.

Sd/-  
**Nupur Banerjee**  
**Member**