

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

Case No: RERA/CC/135/2023

Sunil Kumar

...Complainant

Vs.

M/s Ghar Laxmi Buildcon Pvt. Ltd.

...Respondent

Project: Income Tax Residency

23/07/2024

ORDER

The matter was last heard on 06.05.2024 and was fixed for orders on 21.06.2024. However, due to pre-occupation of the Bench in other matter, order could not be pronounced on the date fixed. On that date, the complainant was present and the respondent was absent.

In short, the case of the complainant is that the builder entered into an agreement with the Income Tax employees federation, Patna on 08.04.2015 to construct and deliver flats to its members under the said project and the booking for individual member was Rs.1.11 lakh to be paid in two installments. The complainant had paid Rs.51,000/- and Rs.60,000/- through cheques. Thereafter he was allotted Flat No.B102 in the said project through a lottery system. In the meantime, RERA Act came into existence. He has approached to the builder for registered agreement with him, then they have demanded 25% amount. Then he had paid Rs.1.85 lakh and Rs.1.66 lakh through cheques but till date they have not provided him a flat nor refunded the amount. Therefore, he has prayed to direct the respondent to refund the principal amount of Rs.4,61,500/- with interest.

The complainant has placed on record the copy of the Bank statement and the money receipts.

Perused the record. After issuance of summons, none has appeared on behalf of the respondent nor filed any reply.

On the last date of hearing the complainant reiterated her submissions as made in the complaint petition and has prayed for refund of the amount with interest. The complainant has already sent a cancellation letter to the respondent with a copy to the Authority.

The Bench notes that despite several opportunities the respondent failed to file any reply, so, in the interest of justice, order is being passed on the basis of documents available on record.

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 complainants in lieu of booking of the alleged flat, the Bench hereby directs the respondent company and its Directors to refund the principal amount of Rs 4,61,500/- 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