

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

Case No: RERA/CC/152/2023

Nilam Kumari

...Complainant

Vs.

M/s Grih Vatika Homes Pvt. Ltd.

...Respondent

Project: Ambika Vatika

24/05/2024

ORDER

The matter was last heard on 29.02.2024 and was fixed for orders on 06.05.2024. 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, Mr. Shantanu Kumar, learned counsel for the resopnodent was also present.

In short, the case of the complainant is that the complainant had booked a 3-BHK flat in Ambika Vatika and paid Rs.16.00 lakh to the respondent but till date no further construction/ improvement for agreement has been done. Therefore, the complainant has prayed to direct the respondent to refund the principal amount with interest.

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

Perused the record. From the records it appears that the respondent had appeared through his learned counsel Mr. Shantanu Kumar but he has not filed any reply.

On the last date of hearing i.e. on 29.02.2024 the complainant's counsel reiterated his submissions as made in the complaint petition and submitted that till now the complainant has not got possession of the flat, so she has prayed for refund of the amount with interest. In this connection the complainant has already sent a cancellation letter to the respondent with a copy to the Authority. On the said date, the respondent's counsel stated that they are willing to return the money but in installments. On that date the Authority directed the respondent to refund the amount in installments before passing of the order and submit a report but they have not submitted any report.

In the light of the documents placed on record and submission made by both the parties and considering that the respondent has taken the economic benefit of the amount paid by the complainant 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.16.00 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 in two installments only. The first installment of Rs.8.00 lakh must be paid within 30 days and the second installment of Rs.8.00 lakh must be paid in next 30 days i.e. within sixty days of issue of this order.

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

Sd/-
Nupur Banerjee
Member