

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Single Bench of Mrs. Nupur Banerjee, Member
Case No. RERA /CC/162/2023

Kusum Lata

.....Complainant

Vs

M/s Grih Vatika Homes Pvt. Ltd.

.....Respondent

Project: Ambika Vatika

31/07/2024

O R D E R

This matter was last heard on 06.05.2024 when the complainant was present and the respondent was absent. The matter was fixed for order, however, due to preoccupation of the Bench in other matters, order could not be pronounced on the date fixed.

2. The complainant submits that she has paid Rs. 16.00 lakh for purchase of flat no. 202 in Ambika Vatika of the project of the respondent, but the respondent has failed to deliver and execute the sale deed in favour of the complainant, as per the agreement for sale and has also failed to refund the principal amount.

3. The respondent submits that due to paucity of fund, the respondent is not able to refund the principal amount along with interest. However, he will refund the same in instalments, for which the complainant is not ready.

4. The complainant has submitted that she has booked flat no. 202 in 'Ambika Vatika' of the respondent in 2016 itself and has paid the total consideration amount of Rs. 16.00 lakh for purchase of the said flat, but the promoter is not completing the project. She, therefore, requests for refund of total consideration amount with interest.

5. The learned counsel for the respondent has submitted in the court that since this project is not registered in RERA, the matter is not maintainable before the Authority. He also referred to a citation of the case relating to this issue, but the details of citation was not furnished on record. The learned counsel for the respondent states that RERA has no jurisdiction to hear the case. In this regard he referred to the order dated 18.05.2023 passed by the Appellate Tribunal in REAT Appeal No. 13/2023. The complainant has booked a 3-BHK flat in VIP Residency. The money receipts have been submitted by the complainant. The complainant wants refund of payment amount Rs. 16.00 Lakh with compound interest 18%.

6. In the light of the above observation and also taking into consideration the submission made on behalf of the parties and going through the material available on the record including absolute sale deed as well as the discussion made above, the Bench hereby directs the respondent company to refund the principal amount of Rs. 16.00 to the complainant along with interest within 60

days of issue of this order. The rate of interest payable by the promoter shall be applicable for three years plus 2% interest above the MCLR rate of the State Bank of India from the date on which the amount becomes due till the date of payment.

7. The complainant is at liberty to press other claims which are in the nature of compensation before the Adjudicating Officer as per the provisions of the RERA Act, 2016.

8. With the aforesaid observation and direction this case is disposed of.

Sd/-
Nupur Banerjee
Member