

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Division Bench of Hon'ble Chairman,
Mr. Vivek Kumar Singh & Hon'ble Member Mr. S.D. Jha, RERA
Bihar,**

RERA/CC/227/2022

Vinod Kumar Complainant

Vs.

M/s GrihVatika Homes Pvt. Ltd. Respondent

For the complainant: Mr. Punit kumar, Advocate

For the Respondent: Mr. Mohit Raj, Advocate

Project:—URMILA VATIKA

ORDER

21.08.2024 This case was last heard on 03.07.2024 by the Full Bench and the order was reserved and the case was transferred to the Division Bench. The respondent was directed vide proceeding dated 03.07.2024 of the Full Court to file counter reply within four weeks with a copy to the complainant, who was directed to file rejoinder, if any, within two weeks thereafter but the respondent has not filed the counter reply within the time granted and, consequently, the complainant also could not file rejoinder. Therefore, the order is being passed and delivered today i.e.21.08.2024 on the basis of material available on the record.

2. Learned counsel for the complainant submitted that the complainant booked Flat no.503 of 1175 sq. ft. on 5th floor in the project situated at near Sipara Bypass, Patna with one covered parking on consideration amount of 22,00,000/- out of which he paid Rs.3,20,640/- on 31.05.2015. The flat was to be delivered within the prescribed period of time but neither the flat has been delivered nor money has been refunded in spite of letter dated 10.04.2017 sent by the complainant to the respondent to refund his money. He also submitted that after

persuasion the respondent had given the complainant two cheques of Rs. 1,60,000/- which were bounced and thereafter the complainant made requests several times to refund the money but the respondent

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did not pay heed to his request. Consequently, the complainant filed this complaint on 16.04.2022 for refund of money. He also submitted that the complainant has also filed a case before the Adjudicating Officer, RERA, in which during the pendency of that case, the respondent gave Rs.1,00,000/- in two installments and thereafter the respondent sat over the matter of refund for remaining amount of Rs.2,20,640/-.

3. Learned counsel for the respondent submitted that the respondent would make payment of Rs.2,20,640/- before the next date of hearing without interest. In the last proceeding dated 03.07.2024, he requested for four weeks' time to file counter reply and that was granted but till date the respondent has not filed the counter reply, which manifests that the respondent has nothing to say further in this matter.

4. Perused the record. The Authority observes that the respondent – promoter neither honoured the commitment made to the complainant of handing over the flat within the time granted nor refunded his entire money in spite of letter dated 10.04.2017 to the complainant. Considering the hardship being faced by the complainant and also the indifferent and non-cooperative attitude of the respondent – promoter in not refunding entire money as well as not filing reply in spite of opportunity given to the respondent vide proceeding dated 03.07.2024, the Authority is left with no option but to dispose of this case on the basis of material available on the record and, accordingly, this case is being disposed of today.

5. In the backdrop of the submissions made on behalf of the parties and on going through the material available on the

record, the Authority directs the respondent - company and its Managing Director Smt. Anita Kumari to refund the remaining amount of Rs.2,20,640/- to the complainant along with interest within sixty days of issue of this order. The rate of interest payable by the promoter shall be at two percent above the prevalent prime lending rates of the State Bank of India on the date on which the amount becomes due till the date of payment.

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

With the aforesaid observations and directions, this case is disposed of.

**Sd/-
S.D.Jha
Member**

**Sd/-
Vivek Kumar Singh
Chairman**