

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

Hon'ble Member Mr. S. D. Jha, RERA, Bihar,

RERA/CC/389/2023

Priyanka Chaudhary..... Complainant

Vs.

M/s GharLaxmiBuildcon Pvt. Ltd. Respondent

For the complainant: Mr. Sharad Shekhar, Advocate

For the Respondent: Mr. Sujit Chandra Keshari

Project:- INCOME TAX RESIDENCY

PROCEEDING

ORDER

05.09.2024 This case was last hear on 28.08.2024 and the order was reserved on mutual consent of learned counsels for the parties. Mr. Sharad Shekhar, Advocate, appeared and defended the case of the complainant whereas Mr. Sujit Chandra Keshari, representative of the respondent – promoter, appeared and defended the case of the respondent. The order is being delivered today i.e. 05.09.2024.

2. Learned counsel for the complainant submitted that a Memorandum Of Understanding Agreement was executed between the complainant and the respondent on 19.10.2015 to purchase Flat no.201 on 2nd floor of 1215 sq. ft. in the project “Income Tax Residency” situated at S.K.Puri, P.S. S.K.Puri, District Patna, on consideration amount of Rs. 20,00,000/-, out of which the complainant paid Rs.5,00,000/- from 25.5.2015 to 13.9.2015 and acknowledgement receipts thereof were issued, which are kept on the record. He further submitted that the project was to be completed within thirty months from the date of sanction of the plan with further grace period of six months but even after expiry of the specified period neither the project has been completed nor flat has been handed over and ultimately registration of the project expired and the project came in the

lapsed category. He also submits that the complainant filed this complainant for possession of flat but the complainant is not being associated with the Allottees' Association, which has been formed to carry out remaining work of the project. Hence, the

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complainant wants refund of money instead of possession of flat, for which an amendment petition dated 28.08.2024 has been filed with request to get his money of Rs.5,00,000/- refunded from the respondent – promoter.

3. The representative of the respondent – promoter submits that he has no objection if the complainant wants refund of his money instead of possession of flat.

4. Taking into consideration the submissions of both the parties, the Authority directs the respondent - company and its Managing Directors namely Rahul Kumar, and Vikash Kumar Jyoti to refund the principal amount of Rs.5,00,000/- to the complainant along with interest within ninety 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.

5. The complainant is at liberty to press other claims, which are in the nature of compensation, before the Adjudicating Officer, RERA.

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

Sd/-
S.D.Jha
Member

Sd/-
Vivek Kumar Singh
Chairman