

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

Case No: RERA/CC/329/2022

Kiran Devi

...Complainant

Vs.

M/s Palviraj Construction Pvt. Ltd.

.. ...Respondent

Project: Bollywood Residency

Present: For Complainant: Mr. Punit Kumar, Advocate

For Respondent: None

05/04/2023

ORDER

In this matter, the complainant entered into an agreement on 28.02.2020 to purchase a 3 BHK flat bearing Flat No, 502 on 5th floor in the said project having super built up area of 1550 sq.ft. with covered car parking on a consideration amount of Rs.45.50 lakh against which the complainant paid Rs. 5.00 lakh through cheque but the respondent has not handed over possession of the flat. It is stated that when the respondent has not sent any possession letter to the complainant, she visited the office of the respondent company for knowing the reasons but fake assurance was given by the respondents. Therefore, she has prayed to direct the respondent to refund the principal amount of Rs.5.00 lakh with interest and compensation.

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

The Bench notes that since it is a case for refund of the principal amount with interest and the respondent has not filed 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 consideration 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.5.00 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 within sixty days of issue of this order.

As regards compensation, the complainant is at liberty to file a case before the Adjudicating Officer as per provisions of the Act.

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

Sd/-

Nupur Banerjee
(Member)