

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs Nupur Banerjee, Member

Case No.CC/1098/2020

Md. Sharique BelalComplainant

Vs

M/s Kabir Dream City Pvt. Ltd.Respondent

Project: Plot at Fatuha

Present: For Complainant: Mr. Sumit Kumar, Advocate

For Respondent: None

06/04/2023

ORDER

Hearing taken up. Mr. Sumit Kumar, Advocate appears on behalf of the complainant. The respondent is absent.

Learned counsel for the complainant submits that the agreement for sale has been made on 22.04.2019 for 18 katha of land at the rate of Rs.8 lakh per katha against which the complainant has paid Rs.50.00 lakh in cash. He submits that in spite of payment of Rs.50.00 lakh the respondent has not handed over the plot nor given the possession. During the pendency of this case the respondent has refunded Rs.4.00 lakh to the complainant. Thereafter no payment was made. He submits that on 19.02.2021 the learned A.O. has passed order directing the respondent to refund at least Rs.10.00 lakh to the complainant as first instalment otherwise strict measure will be taken but the respondent has not followed the direction of the A.O. court. He further submits that despite issuance of summons, the respondent has not turned up nor filed any reply. The respondent is running the project as well as the other projects. The respondent is traceless. The complainant prays for refund of rest of the money with interest and compensation.

The complainant has placed on record the copy of the agreement for sale 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 plot, the Bench hereby directs the respondent company and its Directors to refund the rest of the amount of Rs.46.00 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