

**REAL ESTATE REGULATORY AUTHORITY, BIHAR
IN THE COURT OF ADJUDICATING OFFICER, RERA, BIHAR**

RERA/CC/255/2024

RERA/AO/84/2024

Alok Kumar-----Complainant

v.

M/s Simanchal Infratech Pvt. Ltd. -----Respondent

PROJECT:JNJ PANORAMA SQUIRE

09/07/2026

ORDER

The complainant has filed this case to direct the respondent to pay Rs. 5,69,000/- along with 18% compound interest as the complainant has given the aforesaid amount for taking the franchise of “Dosa Plaza”, litigation cost of Rs. 3,50,000/-, Rs. 25,00,000/- for mental agony and harassment, Rs. 50,000/- for travelling, fooding and lodging cost, Rs. 2,50,000/- medical expenses incurred in the treatment of the mother of the complainant and also to direct the respondent to provide the interest for non-rectification in deficiencies.

The complainant’s case in brief is that the complainant entered into an agreement for sale with the respondent on 01.12.2017, which was amended on 05.02.2019, to purchase shop no. 204 in the project of “JNJ Panorama Square for the consideration amount of Rs. 33,12,500/-, and it was paid by the complainant but the respondent consciously and deliberately failed in delivering the shop. Hence, the complainant requested the respondent for refund of his money, upon which the respondent refunded Rs. 1,00,000/- and his balance amount of Rs. 32,12,500/- along with interest is still to be refunded. The complainant had already sent cancellation letter to the respondent on 5.6.2023. He has come before the Adjudicating Officer of the Authority

for compensation as per direction of the Authority in RERA/CC/393/2023 vide order dated 12.03.2023.

The respondent filed a reply stating therein that the complaint petition is wholly misconceived, false frivolous, vexatious and the complainant has not come with clean hands. The complainant has deliberately suppressed the material facts and has approached this Authority with ulterior motive to extort illegal gain from the respondent. On request of the complainant the said booking amount had been withdrawn and the entire paid amount along with the interest has been given to the complainant. This case is not maintainable as the complainant himself has not complied the terms and conditions of the agreement for sale and there is no any deficiency in service or unfair trade practice on the part of the respondent. There is no any deliberate delay or default attributable to the respondent.

Heard Shri Kuldeep Thakur, learned counsel for the complainant and Shri Sharad Shekher, learned counsel for the respondent. Perused the case record.

Upon perusal of the record, it appears that the complainant has already filed a case before the Authority as RERA/CC/393/2023 in which an order has been passed on dealing the facts of the case and has directed the respondent company and its Managing Director, Sangeeta Kumari to refund the remaining amount of Rs. 22,12,500/- to the complainant along with interest within sixty days of issue of that order. The rate of interest payable by the respondent- promoter shall be at two percent above the present Prime Lending Rate of the State Bank of India on the date on which the amount becomes due till the date of payment. However, the complainant has been given 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. The complainant has filed this case as per direction of the Authority.

As per order dated 12.03.2024, refund of principal amount with interest has already been granted by the Authority. So there is no need to give any order regarding any interest. The respondent has delayed in payment which created mental and physical agony. So the respondent is directed to pay Rs. 2, 00,000/- (Rs. Two Lacs) for mental and physical agony and Rs. 1,00,000/- (Rs. One lac) for litigation cost. So far reliefs sought for compensation of franchise and medical expenses of his mother are concerned, they come under remoteness of the damages, which appears not just and proper. The respondent is directed to pay the aforesaid amount within sixty days of the issue of this order.

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

Sd/-

(Vinod Kumar Tiwari)
Adjudicating Officer
RERA, Bihar