

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/CC/564/2023

Lalmani Devi..... Complainant

Vs.

M/s Creastate Infra Homes Pvt. Ltd..... Respondent

For the complainant: Mr. Raghu Raj Pratap, Advocate

For the Respondent: Mr. Manoranjan Kumar,

Project:– PATNA AWAS YOJANA

ORDER

11.06.2024 This case was last heard on 28.05.2024 and the order was reserved with mutual consent of both the parties. Mr. Raghu Raj Pratap, Advocate, appeared and defended the case of the complainant. Mr. Manoranjan Kumar, representative of the respondent – company, appeared and defended the case of the respondent. The complainant was directed vide proceeding dated 28.05.2024, as requested, to file amendment petition to implead Mr. Vivek Kumar, Director of the respondent – company, as party respondent within a week with a copy to the respondent and the respondent was directed to file reply within a week thereafter. The complainant has not filed the amendment petition till date. Hence, the order is being delivered today i.e. 11.06.2024.

2. Learned counsel for the complainant submitted that vide allotment letter dated 1.9.2018 the complainant booked Plot nos. H-3 & H-4 having area of 2400 sq. ft. in the residential project "Patna Awas Yojana" on consideration amount of Rs.19,92,000/- out of which the complainant paid Rs.3,40,000/- through cash and cheque dated 20.10.2019, of which receipt vouchers were issued by the respondent, which are kept on the record. The plots were to be handed over within the specified time but when the respondent failed in honouring the commitment he requested for refund of money and sent a cancellation letter to the respondent on 28.5.2023 which has not been responded as yet.

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Hence, the complainant has filed the present complaint for refund of money with interest.

3. Mr. Manoranjan Kumar, representative of the respondent – company, submitted that Mr. Vikash Kumar, who has been made party respondent in the complaint is not signatory of allotment letter of this case and he has already resigned from the company and in support of this fact he has filed his resignation letter dated 28.03.2022. He further submitted that it is the liability/responsibility of other Directors of the respondent – company to refund the money of the complainant.

4. Perused the record. The Authority observes that the respondent neither honoured the commitment made to the complainant of handing over of plots in the project “Patna Awas Yojana” in spite of allotment letter dated 1.9.2018 issued in favour of the complainant nor refunded his money in spite of request made by her. The Authority further observes that the complainant has been facing hardship due to indifferent attitude of the respondent – promoter and has been getting harassed for no fault of her.

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 Directors to refund the principal amount of Rs.3,40,000/- 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.

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 direction, this case is disposed of.

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