

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/CC/97/2022

Pankaj Kumar Sharma Complainant

Vs.

M/s Technoculture Building Centre Pvt. Ltd. Respondent

For the complainant: None

For the Respondent: Mr. Dheeraj Kumar Roy, Advocate

Project:- PHASE II

ORDER

12.09.2024 This case was last heard on 10.09.2024 and the order was reserved. The complainant was absent. Mr. Dheeraj Kumar Roy, Advocate, appeared and defended the case of the respondent. The complainant's counsel filed rejoinder on 10.09.2024 after the proceeding was over and the Bench rose. Hence, the order was reserved and is being passed today i.e.12.09.2024.

2. As per the complaint as well as the rejoinder dated 10.09.2024 filed by the complainant, the complainant's case is that on 05.04.2011 he booked a duplex bungalow, namely, Shailputri in the project "Phase -I" at Hajipur (Vaishali) of the respondent and out of consideration money he paid Rs.4,65,088/- and thereafter the respondent executed a registered Sale Deed on 4.07.2011 against a plot bearing Khata no.1118, plot no.4116, area, 1.80 decimal in favour of the complainant, over which the duplex was to be constructed but even after one year of registration of the said plot when the respondent did not start construction work of the bungalow, the complainant applied for cancellation of booking on 02.05.2013 but at that time the respondent did not consider his cancellation and the respondent made fresh booking of Bungalow, namely, Jayanti in Phase -II and also executed a fresh registered Sale Deed against a plot bearing Khata no.31, Plot nos.55

& 56, area -2 decimal in the year, 2014. Again when the construction of Jayanti Bungalow in Phase – II was not started within the specified time the complainant requested for cancellation of his booking, upon which the respondent refunded Rs.3,43,000/- and remaining Rs. 1,22,088/- along with interest due since 2011 has not been refunded. Hence, the complainant filed the present complaint for refund of Rs.1,22,088/- along with interest.

3. Learned counsel for the respondent submitted during the proceeding dated 10.09.2024 that the respondent is willing to refund the remaining amount of Rs.1,22,088/- subject to the condition that the complainant executes cancellation of registered Sale Deed dated 18.06.2014.

4. Perused the record including the proceedings on the record. The Authority observes that it is not appropriate to keep this pending further because of the fact that the respondent is ready to refund the balance amount of Rs.1,22,088/- subject to cancellation of the Sale Deed dated 18.06.2014 executed against Khata no.31, Plot nos.55 & 56, area -2 decimal. The Authority also observes that since 2011 the respondent has been utilizing the balance amount of complainant, the complainant is entitled to get interest over his balance amount from the date it became due till the date of payment.

5. Taking into consideration the aforesaid facts and submission made by the respondent, the complainant is directed to get the Sale Deed dated 18.06.2014 executed against a plot bearing Khata no.31, Plot nos. 55 & 56 cancelled within a month from the date of issues of this order and send a copy of cancellation to the respondent. The respondent - company and its Managing Director Vinay Tiwari is directed to refund the balance amount of Rs.1,22,088/- to the complainant along with interest within sixty days after service of copy of the cancellation Deed upon the respondent. The rate of interest payable by the promoter shall be at two percent above the prevalent Prime Lending Rates of the

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State Bank of India on the date on which the amount becomes due till the date of payment.

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

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