

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mr. Ved Prakash,
Special Presiding Officer

RERA/CC/238/2023

Soni Sultania

....Complainant(s)

Vs

M/s Lavisa & Associates Pvt. Ltd.

....Respondent

PROJECT- Lavisa Town

For the complainant:

Mr. Sumit Kumar (Adv.)

For the respondent :

None

10.06.2025

ORDER

Shri Sumit Kumar, learned counsel on behalf of complainant is present, but the respondent is absent.

2. Learned counsel for the complainant submits that in spite of repeated directions, the respondent is not regularly appearing before this bench and on few occasions, one staff of the respondent company, namely, Shri Chandra Srivastava used to appear but on other dates, he also did not turn up to represent the respondent. Hence, due to indifferent attitude of the respondent, the complainant is being harassed and as such, the case may be heard ex-parte against the respondent.

3. Considering the submission as well as on going through the record, it appears that one Shri Chandra Srivastava, a staff of the respondent company sometimes used to appear on behalf of respondent but without authorization and later on, he too left attending the proceedings of this case. It further appears that on previous date also he has not taken pain to take part in the proceeding of this case. Hence, the case was fixed for ex-parte hearing against the respondent.

4. The case of the complainant, in brief, is that the complainant paid Rs. 2,00,000/- vide cheque bearing no. 264860 of SBI Branch, Lahariasarai,

Darbhanga out of total consideration Rs. 26,31,200/- for purchase of flat no. 606 in the above project, Lavisa Town of the respondent company for which complainant has filed photo copy of cheque dated 29.01.2014 and receipt dated 27.01.2014. Due to non-initiation of construction work of the building, the complainant demanded refund of the principal amount, but the respondent has miserably failed to refund the principal amount.

5. Learned counsel for complainant further submits that on payment of Rs. 2,00,000/- out of total consideration Rs. 26,31,200/-, the complainant has found that the respondent was neither getting registration of the project from RERA, Bihar nor was he making compliance of procedural requirements of the project, so taking note of indifferent attitude of the respondent and after visiting at the site at several times and when the complainant found that there was no construction work done so far, he got fed-up with the respondent and demanded refund of principal amount with compensation, but the respondent did not respond to it and miserably failed to refund the principal amount of the complainant.

6. The bench notes that the respondent promoter has not taken any positive step for approval of the map and registration of the project with RERA, Bihar. Further, the respondent has not started any construction work. Hence, naturally, the complainant is fully justified in asking for refund of the principal amount from the respondent which he could not get from the respondent. It is also not out of place to mention that the respondent has obviously got the benefits from the principal amount paid by the complainant and, therefore, he is liable to pay interest on the principal amount paid by the complainant to the respondent.

7. In view of overall discussion and analysis of the case, the bench holds that the respondent company is defaulter in the present case. Therefore, the respondent is directed to refund the principal amount of Rs. 2,00,000/- to the complainant along with interest payable at the rate of 2% above the MCLR of SBI applicable for three years since the date of payment of principal amount till the date of refund.

8. As far as claim of the complainant for compensation is concerned, the complainant is at liberty to file case for claim of compensation before the Adjudicating Officer, RERA, Bihar.

With the above observations and direction, the present case stands disposed of.

Sd/-
(Ved Prakash)
Special Presiding Officer