

REAL ESTATE REGULATORY AUTHORITY, BIHAR,

Before the Bench of Mr. Ved Prakash,
Special Presiding Officer

RERA/CC/313/2024

Nutan Sinha Complainant

Vs.

M/s Abhi Homes Pvt. Ltd.Respondent

PROJECT: AMBA TOWER

For the Complainants: Mr. Abhay Kumar Sinha, Husband,

For the Respondent: Mr. Punit Kumar, Advocate

13.08.2025

ORDER

Husband of the complainant and learned counsel Mr. Punit Kumar on behalf of the respondent are present.

2. Husband of the complainant submits that in the year, 2017 the complainant booked Flat no.603 of 1060 sq. ft. on 6th floor in Block - A in the proposed project “Amba Tower” vide KYC, which is kept on the record, on consideration amount of Rs.9,00,000/- out of which she deposited Rs.8,85,000/- and in support of the same they have filed money receipts dated 25.03.2017,04,04,2017, 14.06.2017 & 17.07.2018 respectively. He further submits that the respondent had assured the complainant to handover possession of flat by December, 2022, but till date the respondent has failed in honouring his commitment of handing over possession of flat. Hence, the present complaint by the complainant either to handover possession of flat or refund the money along with interest.

3. Learned counsel for the respondent does not dispute the booking of Flat no. 603 in the project “Amba Tower” and payment of amount of Rs.8,85,000/- by the complainant. However, by filing reply dated 07.05.2025 he submits that the respondent cannot provide flat to the complainant because the map of the project “Amba Tower” could not be approved by the competent Authority on account of the project having fallen under Green Zone Area. So,

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the respondent is willing to refund the principal amount of Rs.8,85,000/- to the complainant.

4. Having heard learned counsels for the parties and going through the record, the Bench observes that the respondent - promoter neither honoured the commitment made to the complainant of completing the project and handing over possession of flat within the specified time nor voluntarily refunded money of the complainant when he failed to complete the project. However, the respondent's counsel submits that the respondent is willing to refund the money of the complainant.

5. Taking into consideration the aforesaid facts, the Bench directs the respondent - company and its Director Mr. Abhinav Sahay to refund Rs.8,85,000/- to the complainant along with interest at 2% above marginal cost of fund-based lending rate (MCLR) of the State Bank of India since the date of its payment till the date of its refund within sixty days of this order.

6. The complainant is at liberty to press other claims, if any, which are in the nature of compensation, before the Adjudicating Officer, RERA.

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

Sd/-

(Ved Prakash)

Special Presiding Officer, RERA, Bihar.