

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

Case No.CC/957/2021

Shankar Sharan MadhukarComplainant

Vs

M/s Dream Heaven Homes Pvt. Ltd.....Respondent

Project: Apna Basera

For Complainant: In Person

For Respondent : None

01/09/2022

ORDER

The matter was last heard on 21-07-2022.

This complaint has been filed seeking relief to direct the respondent to give possession of the flat or refund the paid amount.

In short, the case of the complainant is that complainant has purchased one simplex bearing unit no.J-23 in the project Apna Basera in Ara in 2013. He further submitted that complainant had paid total amount of Rs.15.70 lakh . He further submitted that accordingly Agreement for Sale dated 09-04-2014 has been executed between the parties and as per the Agreement, respondent has to provide the flat booked within 18 months from the date of the Agreement but till date the same has not been provided by the respondent. Hence, this complaint.

Perused the record of the case. Neither the respondent has filed any reply nor they appeared despite issue of notices and summon, hence, is ex-parte order being pronounced on the basis of complainant submissions during the course of hearings and materials placed on record.

The complainant has placed on record Agreement for Sale dated 09-04-2014 along with money receipts of Rs.15.70 lakh, duly acknowledged and issued by the respondent company.

The complainant has filed an affidavit dated 23-07-2022 in compliance to the last direction, praying for the refund of the paid amount only.

During the last hearing on 21-07-2022, the complainant has submitted that the agreement has been made in 2014 and registration has been done in 2016 but till date possession has not been given. He wants refund of the money with interest.

The Authority takes note of the fact that the despite issue of notices and summon respondent had not appeared for which it imposes a penalty of Rs. 20,000/- and directs respondent to submit the same in office within 15 days, failing which coercive action will be taken as per O.21, R.30 of Civil Code Procedure, 1908 read with Section 40 of the Real Estate (Regulation and Development) Act, 2016.

After considering the documents filed and submissions made, the Bench hereby directs the Respondent Company and their Directors to refund the principal amount of Rs.15.70 lakh (Fifteen Lakh Seventy Thousand) to the complainant along with interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for two years plus three percent from the date of taking the booking within sixty days of issue of this order.

With this direction, the matter is disposed of.

Let a copy of order be sent to respondent/promoter.

Sd/-
Nupur Banerjee
Member