

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mrs. Nupur Banerjee, Member
Case No. RERA/CC/1075/2021

Shailendra Kumar**Complainant**

Vs.

M/s Ghar Laxmi Buildcon Pvt. Ltd.**Respondent**

Project: Income Tax Residency

For Complainant: Ms. Shivangi, Advocate

For Respondent: None

ORDER

5.9.2022

This matter was last heard on 26.7.2022.

This matter has been filed for refund of booking amount. The case of the complainant is that he had booked flat, bearing flat no. 504, admeasuring 1120 Sq.ft. and has paid Rs.6.75 Lakh as a booking amount and entered into MOU in July, 2018.He further submitted that respondent has assured to handover the flat within 30 months with a grace period of 6 months from the date of sanctioned of plan but till date the flat has not been handed over to complainant. Hence, this complaint.

On 21-05-2022, complainant has filed detailed supplementary affidavit stating therein that respondent

has assured to hand over the flat to complainant by July, 2021, but has not handed over the same.

Perused the record. The respondent has not filed any specific reply and even not appeared during the course of hearing despite notices and summon issued, order is being pronounced on the basis documents available on the record.

On the last date of hearing, learned counsel for the complainant has submitted that the complainant booked a flat in 2018 and out of total consideration amount of Rs.27 lakhs, complainant paid Rs.6.75 lakh which was 25% of the total consideration money and accordingly, MOU was also entered into between the parties. She further submitted that till date not even a single brick is added at the project site. She further submitted that on several occasions complainant has asked respondent to make refund of the amount paid but till date, they have not refunded the amount. She further submitted that complainant has also sent a formal cancellation letter to them on 3rd June, 2022. They have not filed any reply. Even the court has also sent notice to them. The date was duly informed to them but they are intentionally lingering the matter. She has given a copy of the supplementary

affidavit to them. They want to grab the money of the complainant. She wants refund of the money with interest. Learned counsel also prays for compensation for the delay.

The Bench observes that respondent has not appeared despite issued of notices and summon, hence, penalty of Rs.25,000/- is levied upon the respondent for non appearance and is directed to deposit the levied penalty amount immediately, failing which, it can be recovered as per section 40(2) of the Real Estate (Regulation & Development) Act, 2016, read with Order 21, Rule 30 of the Code of Civil Procedure, 1908.

Regarding allegation of complainant in supplementary affidavit filed for the violation of section 3 and registration of project with Authority for one block i.e. A, leaving other block having plot no.1674, which is not mentioned in the registration certificate over which block B was to be erected and taking booking of the same without taking registration is concerned, the Bench requests registration wing to verify the claim of complainant and if it is found that respondent has violated section 3 of the Act, then, take action as per the provisions of the Act.

In the light of submissions made and documents placed, the respondent Company and their directors are

directed to ensure that the entire principal amount paid along with interest at a marginal cost calculated at MCLR of SBI as applicable for three years plus three percent will be paid to the complainant from the date of booking to the date of refund within 60 days of the issuance of this order.

The complainant is at liberty to press the claim for compensation as per the provisions of the Act before the A.O.

With the above directions/observations the case is disposed of.

Sd/-

**Nupur Banerjee
(Member)**