

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Double Bench of Mr. Naveen Verma, Chairman &
Mrs. Nupur Banerjee, Member.**

Case No. RERA/CC/262/2019

Devanti Devi

.... Complainant

Vs

M/s Glaxia Township & Housing Pvt. Ltd.

....Respondent

Project: Vrindavan

ORDER

09/09/2022

This matter was last heard on 27.1.2022 and detailed proceedings had been drawn out. The matter was fixed for order on 08.03.2022. However, the Authority was pre-occupied with other matters and subsequently the record was inadvertently misplaced, which is regretted.

This matter was filed by the complainant against the respondent for refund of Rs. 5,40,300/- between 2015 to 2017 along with interest thereon. The complainant had paid in installments for plot C-105 in that project. She had to pay additional Rs. 50,000/- for getting the sale deed registered in her favour. However, the land owner Mr. Ashutosh Chaturvedi stated that the paper had not been received from the respondent Company. Hence the complainant filed the matter for refund of money with interest thereon.

The Authority recalls the submissions made on behalf of the respondent company wherein they have admitted that the plots were marketed by them but the sale deed was executed by the land owner.

It is submitted on behalf of the land owner that the respondent company had defaulted in making the payments to him as per the agreement and there was discrepancy in the account after which the agreement with the company has been cancelled.

Both the land owners and the respondent company have submitted that a Title Suit is pending where the agreement deed itself and its revocation is under dispute.

It is evident from the records that the entire consideration amount was paid to the respondent company notwithstanding the dispute which they have with the land owner. It is incumbent upon them to refund the money if they are unable to handover possession and execute the Deed of conveyance. In the written argument filed by the respondent company it has been stated that the land owner has received Rs. 3,21,64,000/-.

The claim of the company that they had transferred certain amount of the consideration received by the land owner, it is a matter to be settled between them and for which matters have been filed before the competent Forum. Since the entire amount has been received from the complainant by the respondent Company, they are liable to make refund to the complainant as per the provision of RERA Act, 2016.

Perused the record. The parties have filed written submissions.

The contention of the complainant that she has paid the consideration amount of Rs.5,40,300/- has not been denied by the respondent hence, this claim is being admitted.

The Authority, therefore, directs the respondent company and its Directors to refund the principal amount of Rs.5,40,300/- along with interest at the marginal cost of SBI MCLR as applicable for three years + 3% within 60 days of issue of this order.

The complainant is at liberty to press her claim for compensation before the Adjudicating Officer.

With these directions and observations the matter is disposed of.

Sd/-

Nupur Banerjee
Member

Sd/-

Naveen Verma
Chairman