REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

Hon'ble Member Mr. S. D. Jha, RERA, Bihar,

RERA/CC/107/2023

Mrs. Meera Kumari …… Complainant

Vs.

M/s Sarvodaya Marketing Pvt. Ltd. …….. Respondent

For the complainant: Miss. Riffat Fatima, Advocate

For the Respondent: Mr. Bhola Shankar, Advocate

Project: – SARVODAYA CITY

PROCEEDING

14.09.2023 Hearing taken up. Miss. Riffat Fatima, Advocate, appears for the complainant. Mr. Bhola Shankar. Advocate, appears for the respondent without Vakalatnama. He is directed to file Vakalatnama on the next date of hearing.

Learned counsel for the complainant submits that the complainant booked Flat no. C/1103 on 11th floor in Block B of the project " Sarvodaya City, and out of the total consideration money of the flat she paid Rs.19,25,000/- vide multiple cheques from April 2011 to August, 2014. The flat was to be handed over within the specified time by December, 2018, but the respondent did not honour the commitment and hence the complainant cancelled her booking vide letter dated 3.9.2023 and requested for refund of money along with interest in July, 2019, upon which the respondent refunded Rs.7,00,000/- from 1.8.2021 to 29.7.2022. She further submits that since the respondent failed in handing over the flat within the time granted, the complainant is entitled to get refund @ 12% interest in terms of the Agreement For Sale dated 9.4.2016 and as such the complainant is entitled to get net amount of Rs.20,16,081 from the builder. A copy of calculation chart has also been filed today in the Bench. In this regard, she is directed to file written submission on affidavit before

29th September, 2023 stating therein the complete facts and specific requests.

Learned counsel for the respondent submits that he has not been handed over copy of the complaint and he requests for providing of the same to enable him to file counter reply. He further submits that in the light of the cancellation letter dated 3.9.2023, the respondent sent a letter dated 11.9.2023 to the complainant mentioning therein that the respondent is not liable to pay any interest as the complainant has willingly cancelled the booking whereas the respondent to ready to hand over the flat. The Registration Certificate given to the project by RERA is valid upto 31st March, 2025. He also submits that the respondent would refund the money as per mutual settlement.

Learned counsel for the complainant is directed to send copy of the complaint to the respondent's counsel within a week. The respondent's counsel would file counter reply to the complaint as well as the written submissions of the complainant's counsel within two weeks with a copy to the complainant's counsel and the complainant's counsel would file rejoinder, if any, within a week thereafter.

Put up for hearing on 07.11.2023.

Sd/-
S.D. Jha,
Member