

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mr Naveen Verma, Chairman

**Case No.CC/1265/2021, 1266/2021, 1267/2021, 1268/2021, 1270/2021, 1271/2021,
1272/2021, 1276/2021, 77/2022, 78/2022**

Saurav Kumar/ Sangita Prasad/ Tara Devi/ AlokPratap/ Dinesh Kumar/

**Niraj Kumar/ Rashmi Kumari/ ShambhuSharanJha/ Sujeet Kumar Sinha/
Ranjan Kumar Complainants**

Vs

M/s Tricolour Properties Pvt. Ltd.

.....Respondent

Project: Tricolour

15/09/2023

PROCEEDING

Learned counsel Mr, Shyam Nandan Thakur appears on behalf of the complainants and learned counsel Mr. Vijay Bhushan Prasad appears on behalf of the respondent.

Learned counsel for the complainants files a separate supplementary affidavit in each matter stating that the complainants are not interested in alternative plot offered by the respondent and that they would pray for refund of the deposit. Copy of the supplementary affidavit has been given to the respondent counsel.

Learned counsel for the respondent seeks time to file reply. Time is allowed. A copy of the complaint petitions may also be sent to the respondent by the learned counsel for the complainants on the following e-mail addresss “bmadhav@tricolour.com.in. He further states that earlier e-mail has been sent to different address and they were not able to respond.

On an enquiry by the Authority whether a formal letter of cancellation has been sent to the respondent, learned counsel for the complainants refers to a legal notice of 31.08.2021 sent to the respondent asking for refund.

The Authority observes that this legal notice was before the complaint was filed on 28.12.2021 wherein relief sought is for possession of booked plot with all civic amenities. If the complainant wishes now to change the relief sought, they are required to file specific petition to this effect. They are also required to send a

letter of cancellation to the respondent and only if the respondent refuses to refund the deposit, cause of action would arise.

Learned counsel for the respondent submits that since they were not able to acquire the said land from the land owner, they are offering alternative plot. He seeks time for amicable settlement.

However, learned counsel for the complainants submits that the conciliation has failed and at this stage there is no possibility for amicable settlement.

The Authority observes that the parties are at liberty to come to a mutually acceptable settlement. However, if they fail to do so, the Authority would be constrained to pass order for refund with applicable interest.

The complainant is advised to send a letter of cancellation to the promoter. The learned counsel for the complainants may file a petition to change the relief sought.

The respondent is requested to file their reply with a copy to the complainants, who may file rejoinder, if they so desire, before the next date of hearing.

Put up on 09.11.2023.

Sd/-
Naveen Verma
Chairman