REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

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

RERA/CC/107/2023

Mrs. MeeraKumari…… Complainant

Vs.

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

For the complainant: Mr. Puneet Sidhartha, Advocate

For the Respondent: Mr. Bhola Shankar, Advocate

Project:–SARVODAYA CITY

PROCEEDING

04.12.2023 Hearing taken up. Mr. Puneet Sidhartha, Advocate, appears for the complainant. Mr. Bhola Shankar, Advocate, appears for the respondent.

Vide proceeding dated 7.11.2023, the respondent was imposed a penalty of Rs.5000/- for disobedience of the direction of the Bench but it is evident from the record that the same has not been deposited so far. The Authority directs the respondent to deposit the amount of penalty of Rs.5000/- within a week, failing which an additional penalty of Rs.1000/- per day w.e.f. 11.12.2023 would be levied upon the respondent till the payment of the amount of the penalty of Rs.5000/-. Send a copy of this order to the Compliance Wing, RERA, for taking necessary action for realization of the amount of penalty.

Learned counsel for the complainant submits that the complainant wants refund of the balance amount of Rs.12,25,000/- along with interest. He further submits that an Agreement For Sale was executed in the year, 2013 wherein the flat was to be handed over till December, 2018. When the flat was not handed over within the stipulated period of time, the complainant got her booking cancelled. After cancellation of booking the respondent refunded Rs.7,00,000/- in five

installments from December 2021 till February, 2022 out of the total consideration amount of Rs.19,25,000/-.

Learned counsel for the respondent submits that he would file counter reply by tomorrow along with Vakalatnama, which is allowed. He also submits that the complainant is not entitled to get interest because she got the booking cancelled herself, to which learned counsel for the complainant reiterates that since the flat was not handed over within the stipulated period of time, the complainant got the booking cancelled. He is directed to file counter reply by tomorrow with a copy to the complainant's counsel.

Learned counsel for the complainant submits that he has nothing to say further in this matter and an order may be passed.

The respondent's counsel also submits that after filing of counter reply by tomorrow an order may be passed in this case.

Order is reserved.

Sd/-
S.D. Jha,
Member